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## Coming into force of Acts

Gouvernement du Québec

### **O.C. 960-2002, 21 August 2002**

#### **Building Act (1985, c. 34)**

##### **— Coming into force of certain provisions**

Coming into force of certain provisions of the Building Act

WHEREAS the Building Act (1985, c. 34) was assented to on 20 June 1985;

WHEREAS section 301 of the Act, replaced by section 132 of the Act to amend the Building Act and other legislation (1991, c. 74), states that the provisions of the Act come into force on the date or dates fixed by the Government except the provisions of sections 1, 4, 7 to 9, 11, 28, 41 to 86, 117 and 118, 129, 131, 150, 152, 155, paragraph 2 of section 160, sections 161 to 164, paragraph 2 of section 165, sections 166 to 193, paragraphs 1 and 5 of section 194, sections 195 to 197, 200 to 209, 211 to 213, 216, paragraph 4 of section 230, sections 231 and 232, 234 and 235, 238, 240, 242 and 243, paragraph 4 of section 245, sections 247, 249, 252 to 254, paragraph 2 of section 255, sections 257 and 258, 262, 268, 280 and 281, 285 to 290, 292 to 297, sections 2, 112, 115, 151, 153 and paragraphs 2, 4 and 7 of section 194 with regard to the qualification of contractors and owner-builders, section 214 concerning the Act respecting building contractors vocational qualifications (R.S.Q., c. Q-1), section 215 concerning the provisions of regulations adopted under the Act respecting building contractors vocational qualifications, section 241 to the extent that it enacts sections 20.1 to 20.7 and 21.1, section 261 to the extent that it enacts the heading preceding section 19.1 and sections 19.1 to 19.7 and 20.1, and the first paragraph of section 291 concerning a licence issued under the Act respecting building contractors vocational qualifications, which come into force on 1 February 1992;

WHEREAS section 301 of the Building Act, replaced by section 132 of the Act to amend the Building Act and other legislation, also states that sections 87 to 111, 130, 140 to 149, 154, 156 to 159, 217, 220, 222 and 223, the part of section 225 that enacts Division III.2 and sections 9.14 to 9.34 of the Real Estate Brokerage Act (R.S.Q., c. C-73), paragraph 1 of section 228, paragraph 2 of section 229, sections 233, 236, 237, the part of section 241 that enacts sections 20.8 to 21 and 21.2 to 23 of the Master Electricians Act (R.S.Q., c. M-3),

sections 244, 246, 248, 250, 251, paragraph 1 of section 255, section 256, the part of section 261 that enacts sections 19.8 to 20 and 20.2 to 21.2 of the Master Pipe-Mechanics Act (R.S.Q., c. M-4) and sections 298 and 300 have been in force since 31 October 1985, and whereas sections 226, 227 and paragraphs 2 and 3 of section 228 have been in force since 1 November 1986, section 224 has been in force since 1 January 1987, sections 269 to 273 have been in force since 15 June 1988 and section 221, the part of section 225 that enacts section 9.35 of the Real Estate Brokerage Act (R.S.Q., c. C-73) and paragraph 1 of section 229 have been in force since 1 February 1989;

WHEREAS, under Order in Council 940-95 dated 5 July 1995, paragraph 6 of section 151 and section 153 of the Building Act (1985, c. 34), as well as paragraph 5 of section 68 and paragraph 2 of section 70 of the Act to amend the Building Act and other legislation (1991, c. 74), came into force on 1 September 1995 in all respects other than the qualification of contractors and owner-builders;

WHEREAS, under Order in Council 3-97 dated 7 January 1997, paragraph 1 of sections 160 and 165 of the Building Act (R.S.Q., c. B-1.1), paragraph 2 of sections 72 and 73 of the Act to amend the Building Act and other legislation (1991, c. 74) and sections 7 and 8 of the Act to amend various legislative provisions relating to the construction industry (1996, c. 74) came into force on 15 January 1997;

WHEREAS, under Order in Council 952-2000 dated 26 July 2000, sections 3 and 5, paragraph 2 of section 6, sections 8, 10 to 12, 14 and 15, 52 to 55, 60 and 61, paragraph 1 of section 93 and sections 97 and 98 of the Act to amend the Building Act and other legislation (1991, c. 74), section 9 of that Act, to the extent that it enacts section 11.1 of the Building Act (R.S.Q., c. B-1.1) in all respects other than the qualification of contractors and owner-builders, section 116 of that same Act, to the extent that it replaces section 282 of the Building Act (R.S.Q., c. B-1.1) with regard to the buildings and facilities intended for public use to which Chapter I of the Building Code approved by Order in Council 953-2000 dated 26 July 2000 applies and to the extent that it replaces, in all respects, section 283 of the Building Act (R.S.Q., c. B-1.1), section 169 of that same Act to the extent that it refers to sections 20, 26, 27, 33, 34, 113, 114, 116, 119, 123 to 128, 132 to 134 and 139 of the Building Act (R.S.Q., c. B-1.1), section 17 of the Act to amend the Act respecting the implementation of the

reform of the Civil Code and other legislative provisions as regards security and the publication of rights (1995, c. 33), sections 4 to 7, 9, 30 to 32 and 37 of the Act to amend various legislative provisions relating to building and the construction industry (1998, c. 46), sections 3 and 5, 10, 12 to 18, 20 to 23, 36, 113, 114, 116, 122 to 128.1, 128.5, 128.6, 132 to 139, paragraphs 3, 6, 6.1 and 6.2 of section 194, sections 198, 199, 210 and 283 of the Building Act (R.S.Q., c. B-1.1), sections 2, 11.1, 112 and 115, paragraphs 1 to 5 of section 151, the first paragraph of section 153, paragraphs 2, 4 and 7 of section 194 and section 201.1 of that Act in all respects other than the qualification of contractors and owner-builders, section 7 of that Act with regard to the definition of “pressure vessel”, section 128.4 of that Act with regard to the revocation of the recognition of a person referred to in section 16 of the Building Act (R.S.Q., c. B-1.1) and section 282 of that Act with regard to buildings and facilities intended for public use to which Chapter I of the Building Code approved by Order in Council 953-2000 dated 26 July 2000 applies came into force on 7 November 2000;

WHEREAS sections 24 and 25, 29 to 31, 114 and 116 of the Building Act (R.S.Q., c. B-1.1) were amended by sections 16 and 17, 20 to 22, 50 and 51 of the Act to amend the Building Act and other legislation (1991, c. 74);

WHEREAS, under section 171 of the Act to amend the Building Act and other legislation (1991, c. 74), sections 16 and 17, 20 to 22, 50 and 51 of that Act come into force on the date or dates fixed by the Government;

WHEREAS it is expedient to fix 1 October 2002 as the date of coming into force of sections 16 and 17, 20 to 22, 50 and 51 of the Act to amend the Building Act and other legislation (1991, c. 74);

WHEREAS sections 19, 35 and 37 to 40 of the Building Act (R.S.Q., c. B-1.1) were replaced by sections 13, 23 and 24 of the Act to amend the Building Act and other legislation (1991, c. 74);

WHEREAS, under section 171 of the Act to amend the Building Act and other legislation (1991, c. 74), sections 13, 23 and 24 of that Act come into force on the date or dates fixed by the Government;

WHEREAS it is expedient to fix 1 October 2002 as the date of coming into force of section 23 of the Act to amend the Building Act and other legislation (1991, c. 74) and section 24 of that Act to the extent that it refers to sections 37 to 37.4, 38.1 and 39 of the Building Act (R.S.Q., c. B-1.1) and 1 January 2003 as the date of coming into force of section 13 of the Act to amend the Building Act and other legislation (1991, c. 74) with

regard to electrical installations to which Chapter V of the Construction Code approved by Order in Council 961-2002 dated 21 August 2002 applies;

WHEREAS section 35.1 of the Building Act (R.S.Q., c. B-1.1), enacted by section 23 of the Act to amend the Building Act and other legislation (1991, c. 74), was amended by section 457 of the Act to amend the Professional Code and other Acts respecting the professions (1994, c. 40);

WHEREAS, pursuant to section 471 of the Act to amend the Professional Code and other Acts respecting the professions (1994, c. 40), section 457 of that Act came into force on 15 October 1994 under Order in Council 1354-94 dated 7 September 1994;

WHEREAS paragraphs 2 of sections 230 and 245 of the Building Act (R.S.Q., c. B-1.1) were replaced by sections 29 and 30 of the Act to abolish certain bodies (1997, c. 83);

WHEREAS, under section 57 of the Act to abolish certain bodies (1997, c. 83), sections 29 and 30 come into force on the date or dates of the coming into force of the provisions amended by those sections;

WHEREAS sections 35, 37 and 37.1 of the Building Act (R.S.Q., c. B-1.1), enacted by sections 23 and 24 of the Act to amend the Building Act and other legislation (1991, c. 74), were amended by sections 8, 10 and 11 of the Act to amend various legislative provisions relating to building and the construction industry (1998, c. 46);

WHEREAS, under section 138 of the Act to amend various legislative provisions relating to building and the construction industry (1998, c. 46), sections 8, 10 and 11 of that Act come into force on the date or dates to be fixed by the Government;

WHEREAS it is expedient to fix 1 October 2002 as the date of coming into force of sections 8, 10 and 11 of the Act to amend various legislative provisions relating to building and the construction industry (1998, c. 46);

WHEREAS section 37.4 of the Building Act (R.S.Q., c. B-1.1), enacted by section 24 of Chapter 74 of the Statutes of 1991, was replaced by section 13 of the Act to amend various legislative provisions relating to building and the construction industry (1998, c. 46);

WHEREAS, under section 138 of the Act to amend various legislative provisions relating to building and the construction industry (1998, c. 46), section 13 comes into force on the date or dates to be fixed by the Government;

WHEREAS it is expedient to fix 1 October 2002 as the date of coming into force of section 13 of the Act to amend various legislative provisions relating to building and the construction industry (1998, c. 46);

WHEREAS section 37.3 of the Building Act (R.S.Q., c. B-1.1), enacted by section 24 of the Act to amend the Building Act and other legislation (1991, c. 74), was repealed by section 12 of the Act to amend various legislative provisions relating to building and the construction industry (1998, c. 46);

WHEREAS, under section 138 of the Act to amend various legislative provisions relating to building and the construction industry (1998, c. 46), section 12 comes into force on the date or dates to be fixed by the Government;

WHEREAS it is expedient to fix 1 October 2002 as the date of coming into force of section 12 of the Act to amend various legislative provisions relating to building and the construction industry (1998, c. 46);

WHEREAS it is expedient to fix 1 October 2002 as the date of coming into force of sections 6, 24 to 27, the heading of Division I preceding section 29, section 29 with regard to plumbing installations, electrical installations and installations intended to use, store or distribute gas, sections 30 to 35, the heading of Division III preceding section 37, sections 37, 39 and 40, 119, 128.3, section 128.4 with regard to the revocation of the recognition of a person referred to in section 35 of the Building Act (R.S.Q., c. B-1.1), section 214 concerning the Act respecting piping installations (R.S.Q., c. I-12.1) and the Act respecting electrical installations (R.S.Q., c. I-13.01), paragraphs 1 and 2 of section 230, section 239, paragraph 2 of section 245, sections 259 and 260, the first paragraph of section 291 in all respects other than the qualification of contractors and owner-builders and the second paragraph of section 291 of the Building Act (R.S.Q., c. B-1.1) and 1 January 2003 as the date of the coming into force of section 19 of the Building Act (R.S.Q., c. B-1.1) with regard to electrical installations to which Chapter V of the Construction Code approved by Order in Council 961-2002 dated 21 August 2002 applies;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Human Resources and Labour and Minister of Labour:

THAT 1 October 2002 be fixed as the date of coming into force of the following provisions:

(1) sections 16 and 17, 20 to 23, 50 and 51 of the Act to amend the Building Act and other legislation (1991, c. 74) and section 24 of that Act to the extent that it refers to sections 37 to 37.4, 38.1 and 39 of the Building Act (R.S.Q., c. B-1.1);

(2) sections 29 and 30 of the Act to abolish certain bodies (1997, c. 83);

(3) sections 8 and 10 to 13 of the Act to amend various legislative provisions relating to building and the construction industry (1998, c. 46);

(4) sections 6, 24 to 27, the heading of Division I preceding section 29, sections 30 to 35, the heading of Division III preceding section 37, sections 37, 39 and 40, 119, 128.3, paragraphs 1 and 2 of section 230, section 239, paragraph 2 of section 245, sections 259 and 260 and the second paragraph of section 291 of the Building Act (R.S.Q., c. B-1.1), section 29 of that Act with regard to the plumbing installations, electrical installations and installations intended to use, store or distribute gas, section 128.4 of that Act with regard to the revocation of the recognition of a person referred to in section 35 of that Act, section 214 concerning the Act respecting piping installations (R.S.Q., c. I-12.1) and the Act respecting electrical installations (R.S.Q., c. I-13.01) and the first paragraph of section 291 of that Act in all respects other than the qualification of contractors and owner-builders;

THAT 1 January 2003 be fixed as the date of coming into force of section 19 of the Building Act (R.S.Q., c. B-1.1) and section 13 of the Act to amend the Building Act and other legislation (1991, c. 74) with regard to electrical installations to which Chapter V of the Construction Code approved by Order in Council 961-2002 dated 21 August 2002 applies.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

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## Regulations and other acts

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Gouvernement du Québec

### **O.C. 903-2002, 21 August 2002**

Environment Quality Act  
(R.S.Q., c. Q-2)

#### **Waste water disposal systems for isolated dwellings — Amendments**

Regulation to amend the Regulation respecting waste water disposal systems for isolated dwellings

WHEREAS, pursuant to paragraph *i* of section 46 of the Environment Quality Act (R.S.Q., c. Q-2), the Government may make regulations to regulate the production, sale, distribution and use of any water purification device and any product or material for establishing or operating a waterworks, sewer or water treatment system;

WHEREAS, by Order in Council 786-2000 dated 21 June 2000, the Government added standards relating to the construction of sand filter systems to the Regulation respecting waste water disposal systems for isolated dwellings (R.R.Q., 1981, c. Q-2, r.8);

WHEREAS, by Order in Council 1217-2000 dated 18 October 2000, the Government allowed certain models of prefabricated septic tanks to be installed until 31 December 2001;

WHEREAS various requests have been made to amend the Regulation respecting waste water disposal systems for isolated dwellings to facilitate access to sand filters, change the end of effect date of Divisions XV and XV.1 of section 93 of the Regulation, based on the time required for the certification of recognized technologies and to temporarily maintain the authorization to install certain waste water treatment devices;

WHEREAS it is expedient to grant those requests;

WHEREAS, under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a draft regulation may be made without having been published as required under section 8 of that Act where the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS, under section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority that has made it is of the opinion that the urgency of the situation requires it;

WHEREAS, under sections 13 and 18 of that Act, the reason justifying the absence of prior publication and an immediate coming into force shall be published with the regulation;

WHEREAS the Government is of the opinion that the urgency due to the following circumstances justifies the absence of prior publication and such coming into force of the Regulation to amend the Regulation respecting waste water disposal systems for isolated dwellings attached to this Order in Council:

— the importance of extending the temporary authorization to install certain waste water treatment systems until the new certification of products required by the Regulation respecting waste water disposal systems for isolated dwellings is completed;

— the need to revise the features of sand filters so that they may be used throughout Québec for the construction of waste water treatment systems provided for in the Regulation respecting waste water disposal systems for isolated dwellings;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Municipal Affairs and Greater Montréal, the Environment and Water and Minister of the Environment:

THAT the Regulation to amend the Regulation respecting waste water disposal systems for isolated dwellings, attached to this Order in Council, be made.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

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## Regulation to amend the Regulation respecting waste water disposal systems for isolated dwellings\*

Environment Quality Act  
(R.S.Q., c. Q-2, s. 46, par. i)

**1.** The Regulation respecting waste water disposal systems for isolated dwellings is amended by substituting the following for subparagraph *b* of the first paragraph of section 37:

“(b) the sand filter must comply with the following:

- i. the effective size must be between 0.25 mm and 1 mm;
- ii. the uniformity coefficient must be equal to or less than 4.5;
- iii. less than 3% of the particles must have a diameter less than 80µm; and
- iv. less than 20% of the particles must have a diameter greater than 2.5 mm;”.

**2.** Section 93 is amended by substituting “31 December 2004” for “20 July 2003”.

**3.** Section 94 is amended by substituting “2002” for “2001”.

**4.** This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

**O.C. 904-2002**, 21 August 2002

Environment Quality Act  
(R.S.Q., c. Q-2)

### Rules of procedure relating to the conduct of public hearings — Amendments

Rules to amend the Rules of procedure relating to the conduct of public hearings

WHEREAS under the first paragraph of section 6.6 of the Environment Quality Act (R.S.Q., c. Q-2), the Bureau d’audiences publiques sur l’environnement shall adopt rules of procedure relating to the conduct of public hearings;

WHEREAS under the second paragraph of section 6.6 of the Act, the rules must be approved by the Government;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Rules to amend the Rules of procedure relating to the conduct of public hearings was published in Part 2 of the *Gazette officielle du Québec* of 7 March 2001 with a notice that it could be approved by the Government upon the expiry of 60 days following that publication;

WHEREAS the Bureau d’audiences publiques sur l’environnement made the Rules to amend the Rules of procedure relating to the conduct of public hearings with amendments;

WHEREAS it is expedient to approve those Rules with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Municipal Affairs and Greater Montréal, the Environment and Water and Minister of the Environment:

THAT the Rules to amend the Rules of procedure relating to the conduct of public hearings, attached to this Order in Council, be approved.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

\* The Regulation respecting waste water disposal systems for isolated dwellings (R.R.Q., 1981, c. Q-2, r.8) was last amended by the Regulations made by Order in Council 1217-2000 dated 18 October 2000 (2000, *G.O.* 2, 5243) and by Order in Council 696-2002 dated 12 June 2002 (2002, *G.O.* 2, 2657). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2002, updated to 1 March 2002.



## Rules to amend the Rules of procedure relating to the conduct of public hearings\*

Environment Quality Act  
(R.S.Q., c. Q-2, s. 6.6)

**1.** Section 5 of the Rules of procedure relating to the conduct of public hearings is amended

(1) by substituting the words “the notice” for the words “the notices”;

(2) by adding the following paragraph at the end:

“The Bureau announces each of the two parts of the hearing on its Internet site and by issuing a press release as well as any change, correction or precision brought to the particulars published in the notice provided for in the first paragraph.”

**2.** The following is substituted for section 8:

**“8. Continuous period of consultation:** After publication of the notice referred to in section 5 and until the end of the hearing, the file remains available for consultation by the public in a reference centre in Québec and Montréal and in an information centre in the region where the project is likely to be carried out.”

**3.** The following is substituted for section 17:

**“17. Adjournment of hearing:** The hearing may be adjourned for any reason deemed valid by the commission; the new date is then announced on the Internet site of the Bureau, by a press release or a notice on the door of the room where the hearing was supposed to be held.”

**4.** The title “**Right to rectify the facts**” is substituted for “**Right to rebuttal**” as the title of section 29.

**5.** Section 33 is amended

(1) by striking out the words “, except for public hearing mandates entrusted by the Minister before 30 December 1980”; and

(2) by adding the following paragraph:

“Notwithstanding the foregoing, section 31 of these Rules does not apply to that hearing, since the sittings may be conducted by one or more members of the commission.”

**6.** These Rules come into force on the fifteenth day following the date of their publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

**O.C. 913-2002, 21 August 2002**

Ecological Reserves Act  
(R.S.Q., c. R-26.1)

**Manche-d'Épée Ecological Reserve**  
— **Modification of the limits**

Modification of the limits of the Manche-d'Épée Ecological Reserve

WHEREAS, in accordance with section 2 of the Act respecting ecological reserves (R.S.Q., c. R-26), the Government established the Manche-d'Épée Ecological Reserve by the adoption of the Regulation on the establishment of the Manche-d'Épée Ecological Reserve made by Order in Council 903-84 dated 11 April 1984;

WHEREAS the Act respecting ecological reserves was replaced by the Ecological Reserves Act (R.S.Q., c. R-26.1);

WHEREAS, under section 21 of the Act, ecological reserves established before 15 July 1993 are maintained and are governed by the provisions of the Act;

WHEREAS it is expedient to modify the limits of the Manche-d'Épée Ecological Reserve to solve a management problem and to improve its integrity;

WHEREAS the Government is of opinion that it is expedient to consolidate the protection of the sugar maple-yellow birch stand which is already present within the current reserve and to preserve the talus likely to contain rare plants;

WHEREAS no part of the lands that adds up to the ecological reserve is included in a reserved area or in an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., c. P-41.1);

\* The Rules of procedure relating to the conduct of public hearings (R.R.Q., 1981, c. Q-2, r.19) have not been amended since they were approved.

WHEREAS, under section 10 of the Ecological Reserves Act, the lands in the domain of the State established as an ecological reserve come under the authority of the Minister of the Environment;

WHEREAS a part of the lands which is the subject of the modification of the territorial limits is no longer required for the purposes of the ecological reserve;

WHEREAS, under section 11 of the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1), the Government may return the lands under the authority of the Minister of Natural Resources;

WHEREAS Municipalité régionale de comté de La Haute-Gaspésie gave a notice attesting to the conformity of the draft modification of the Manche-d'Épée Ecological Reserve to the provisions of its development plan and its interim control by-law;

WHEREAS, in accordance with section 2 of the Ecological Reserves Act (R.S.Q., c. R-26.1), a notice briefly describing the draft modification of the limits of the Manche-d'Épée Ecological Reserve was published on 10 April 2002 in the *Gazette officielle du Québec* and on 21 April 2002 in the local paper *Le Riverain*;

WHEREAS section 3 of the Ecological Reserves Act provides that any order made pursuant to sections 1 and 2 comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date fixed therein;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Municipal Affairs and Greater Montréal, the Environment and Water and Minister of the Environment:

THAT the technical description in section 2 of the Manche-d'Épée Ecological Reserve Regulation made by Order in Council 903-84 dated 11 April 1984 be replaced with the technical description attached to this Order in Council bearing minute 3992 of file 02-105 of land surveyor Claude Vincent;

THAT the authority on the area described in the technical description in section 2 of the Manche-d'Épée Ecological Reserve Regulation but not in the plan and the technical description attached to this Order in Council, be transferred to the Minister of Natural Resources;

THAT this Order in Council come into force on the date of its publication in the *Gazette officielle du Québec*.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

Cadastre :	Canton de Taschereau
Original survey :	Canton de Taschereau
Land division :	Sainte-Anne-des-Monts
Municipality :	Sainte-Madeleine-de-la-Rivière-Madeleine
R.C.M. :	La-Haute-Gaspésie
Administrative region :	Gaspésie- Îles-de-la-Madeleine

## TECHNICAL DESCRIPTION

### MANCHE-D'ÉPÉE ECOLOGICAL RESERVE

FILE: 5141-03-11 (1.21)

#### Manche-d'Épée Ecological Reserve

In reference to the original survey, a territory made up of lots 21 to 23, 26, 27 and part of lots 24 and 25 of Rang II, part of Bloc A and Bloc B.

The territory may be more specifically described as follows:

Starting at the northwest corner of Lot 27 of Rang II situated on the dividing line between lots 27 and 28 of Rang II to its intersection with the dividing line between ranges I and II; thence, easterly, following the dividing line between ranges I and II to the northeast corner of Lot 21 of Rang II; thence, southerly, following the dividing line between lots 20 and 21 of Rang II and the dividing line between an undivided part of Canton de Taschereau and Bloc B to the southeast corner of the said Bloc B; thence, westerly, following the dividing line between Bloc A and Bloc B with an undivided part of Canton de Taschereau to the southwest corner of Bloc A, thence, northerly, following the dividing line between Bloc A and an undivided part of Canton de Taschereau and the dividing line between lots 27 and 28 of Rang II to the northwest corner of Lot 27 of Rang II, starting point.

The following parcels are to be excepted and withdrawn from the territory of which the perimeter is described above:

1. The road of Rivière-de-Manche-d'Épée having a right-of-way of 25.00 metres in width by the length it may have starting from the dividing line between Bloc A and Bloc B with an undivided part of Canton de Taschereau to the south to the dividing line between Rang I and Rang II to the north.

That road has an area of 8.91 hectares.

2. A rectangular lot in a proposed ecological reserve that is part of Lot 24 of Rang II.

The northeast corner of that lot is situated on the dividing line between lots 23 and 24 of Rang II at 181.00 metres south of the dividing line between ranges I and II.

Measuring 137.00 metres in width by 401.00 metres in length.

That lot has an area of 5.49 hectares.

3. The existing access road, having a right-of-way 5.00 metres in width, extending in a general southerly direction from the dividing line between ranges I and II to the lot designated above and having an approximate area of 0.19 hectare.

4. Part of Bloc A, bounded to the northeast by the northeastern limit of the right-of-way 5.00 metres in width of a road that is part of Bloc A, southerly and westerly by an undivided part of Canton de Taschereau; measuring 357.9 metres along a sinuous line northeasterly, 296.57 metres southerly and 171.08 metres westerly.

That part of Bloc A has an area of 2.67 hectares.

The total area of that ecological reserve (excluding the areas to be withdrawn) is 573.24 hectares.

The whole as shown on the plan prepared by Claude Vincent, land surveyor, bearing number three thousand nine hundred and ninety-two (3992) of his minutes.

Prepared at Québec, on 27 May 2002.

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CLAUDE VINCENT,  
*Land surveyor*

File : 02-105  
Minute : 3992



Gouvernement du Québec

**O.C. 916-2002**, 21 August 2002

Civil Code of Québec  
(1991, c. 64)

Code of Civil Procedure  
(R.S.Q., c. C-25)

Courts of Justice Act  
(R.S.Q., c. T-16)

**Tariff of Court Costs in Civil Matters and Court Office Fees**

— **Amendment**

Regulation to amend the Tariff of Court Costs in Civil Matters and Court Office Fees

WHEREAS, under section 224 of the Courts of Justice Act (R.S.Q., c. T-16), the Government shall fix the tariff of court costs and court office fees;

WHEREAS it is expedient to amend the Tariff of Court Costs in Civil Matters and Court Office Fees, in order to introduce the payment of costs for any application introductive of suit relating to child custody or support obligations or for any application for the review of a judgment on child custody or support obligations, in order to harmonize the amounts payable for similar applications by *de facto* spouses and couples who were once married;

WHEREAS, under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 20 June 2001, with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation without amendment:

IT IS ORDERED, therefore, upon the recommendation of the Minister of Justice:

THAT the Regulation to amend the Tariff of Court Costs in Civil Matters and Court Office Fees, attached to this Order in Council, be made.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

**Regulation to amend the Tariff of Court Costs in Civil Matters and Court Office Fees\***

Civil Code of Québec  
(1991, c. 64, a. 376)

Code of Civil Procedure  
(R.S.Q., c. C-25, a. 659.10)

Courts of Justice Act  
(R.S.Q., c. T-16, s. 224)

**1.** Section 6 of the Tariff of Court Costs in Civil Matters and Court Office Fees is amended by adding, after the word “marriage”, the words “as well as for any proceeding introductive of suit relating to child custody or support obligations or for any application for review of a judgment concerning child custody or support obligations”.

**2.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

**O.C. 919-2002**, 21 August 2002

Professional Code  
(R.S.Q., c. C-26; 2001, c. 78)

**Agrologists**  
— **Code of ethics**

Code of ethics of agrologists

WHEREAS, under section 87 of the Professional Code (R.S.Q., c. C-26; 2001, c. 78, s. 6), the Bureau of the Ordre des agronomes du Québec must make, by regulation, a code of ethics governing the general and special duties of the members of the Order towards the public, their clients and their profession;

WHEREAS the Bureau of the Ordre des agronomes du Québec made a Code of ethics of agrologists to replace the Code of ethics of agrologists (R.R.Q., 1981, c. A-12, r.4);

\* The Tariff of Court Costs in Civil Matters and Court Office Fees, made by Order in Council 256-95 dated 1 March 1995 (1995, *G.O.* 2, 918), has not been amended since it was made.

WHEREAS, under section 95.3 of the Professional Code, amended by section 8 of chapter 34 of the Statutes of 2001, a draft of the Regulation was sent to every member of the Order at least 30 days before it was made by the Bureau;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the Regulation was published, as a draft, in Part 2 of the *Gazette officielle du Québec* of 26 September 2001 with a notice that it could be submitted to the Government for approval upon the expiry of 45 days following the date of that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office des professions du Québec has made its recommendations;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister responsible for the administration of legislation respecting the professions;

THAT the Code of ethics of agrologists, attached to this Order in Council, be approved.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

## Code of ethics of agrologists

Professional Code  
(R.S.Q., c. C-26, s. 87; 2001, c. 78, s. 6)

### DIVISION I GENERAL PROVISION

**1.** This Code sets out, pursuant to section 87 of the Professional Code (R.S.Q., c. C-26; 2001, c. 78, s. 6), certain duties to be discharged by every agrologist in the exercise of his professional activities.

It sets out, in particular, certain acts derogatory to the dignity of the profession, certain provisions designed to preserve the secrecy of confidential information that becomes known to the agrologist in the practice of his profession, certain terms and conditions applicable to the exercise of the rights of access and rectification contemplated in sections 60.5 and 60.6 of the Professional Code and certain conditions, duties and prohibitions with respect to advertising, the signing of professional documents drawn up by the agrologist and those completed under his direction, supervision and respon-

sibility and the collection of accounts or invoicing for a professional act by an employer who is not an agrologist.

### DIVISION II DUTIES AND OBLIGATIONS TOWARDS THE PUBLIC

**2.** The agrologist must promote the improvement of the quality and availability of professional services in the field in which he practises.

**3.** The agrologist must avoid any attitude or method likely to harm the reputation of the profession and his ability to serve the public interest. He must refrain from employing any discriminatory, fraudulent or illegal practices and must refuse to take part in such practices.

**4.** In addition to what is stated in section 54 of the Professional Code, the agrologist must exercise his activities with dignity and must not practise his profession under conditions or in situations likely to impair the quality of his services.

**5.** The agrologist, in the practice of his profession, must take into account and abide by generally accepted standards and practices observed in the field. He must take the steps required to maintain his knowledge and skills up to date.

**6.** The agrologist must take into account all the foreseeable consequences which his professional activities may have on society.

**7.** The agrologist must promote measures of education and information in the field in which he practises. He must also do all things necessary to ensure such education and information.

### DIVISION III DUTIES AND OBLIGATIONS TOWARDS CLIENTS

#### §1. *General provisions*

**8.** The agrologist must take into consideration the extent of his knowledge and skills and the means at his disposal.

**9.** The agrologist must at all times acknowledge the right of the client to consult a colleague, a member of another professional order or any competent person.

Moreover, if the good of the client so requires and after receiving the latter's authorization, the agrologist must consult a colleague, a member of another professional order or any competent person, or send his client to one of these persons.

**10.** The agrologist must attempt to establish a relationship of mutual trust between himself and his client. To that end, he must, in particular:

(1) refrain from practising his profession in an impersonal manner;

(2) conduct his interviews in such a way as to respect his client's values and personal convictions, where the latter informs him thereof.

**11.** The agrologist must refrain from intervening in the affairs of his client on subjects which do not fall within the competence of his profession.

### §2. Integrity

**12.** The agrologist must carry out his professional obligations with integrity.

**13.** The agrologist must avoid any misrepresentation with respect to his level of competence or to the effectiveness of his services, of those performed under his direction, supervision and responsibility and of those provided by agrologists generally.

**14.** The agrologist must promptly inform his client of the extent and terms and conditions of the professional services required by the latter and obtain his agreement in this respect.

**15.** The agrologist must reveal to his client in a complete and objective manner the nature and scope of a problem which, in his opinion, results from the aggregate facts brought to his attention.

**16.** An agrologist must not express an opinion or give advice that is contradictory or incomplete. To that end, he must try to determine all the facts before giving an opinion or counsel.

**17.** An agrologist must inform his client as early as possible of any event that could result or that has resulted in significant consequences in regard to his professional services.

**18.** An agrologist must take reasonable care of the property entrusted to his custody by a client and he shall not lend or use such property for purposes other than those for which it was entrusted to him.

### §3. Liability

**19.** The agrologist shall bear full liability; consequently, he must not exact any limitation or waiver of his professional liability from any person.

**20.** In particular, the agrologist shall be liable for the professional activities which he has performed by other persons. Accordingly, he must train and supervise such persons, review their work and ensure that they abide by the provisions of the law and the regulations applicable to members of the Order.

### §4. Availability and diligence

**21.** The agrologist must display reasonable availability and diligence.

**22.** In addition to opinions and counsel, the agrologist must furnish his client with any explanations necessary to the understanding and appreciation of the services he provides him. The agrologist must give his client an accounting when the latter requests him to do so.

**23.** Unless he has just and reasonable grounds for so doing, an agrologist shall not cease to act for the account of a client. The following shall, in particular, constitute just and reasonable grounds:

(1) the fact that the agrologist is placed in a situation of conflict of interest or in a circumstance whereby his professional independence could be called in question;

(2) loss of the client's confidence;

(3) inducement by the client to perform illegal or fraudulent acts;

(4) the fact that the client deceived the agrologist or failed to cooperate with him;

(5) refusal of the client to pay the agrologist's fees;

(6) a state of health that renders the agrologist incapable of practising his profession.

**24.** Before ceasing to act for the account of a client, the agrologist must inform the client accordingly and take the steps necessary to avoid any serious foreseeable prejudice being caused to the client.

### §5. Independence and impartiality

**25.** The agrologist must subordinate his personal interest to that of his client.

**26.** The agrologist must be objective and impartial when persons other than his clients ask him for information.

**27.** An agrologist must ignore any intervention by a third party which could influence the performance of his professional duties to the detriment of his client.

**28.** An agrologist must safeguard his professional independence at all times and avoid any situation which would put him in conflict of interest. Without restricting the generality of the foregoing, an agrologist is:

(1) in conflict of interest when the interests concerned are such as might lead him to favour certain of them over those of his client or his judgment and loyalty toward the latter to be unfavourably affected;

(2) not independent in respect of a given act if he stands to derive a direct or indirect, real or possible, personal benefit therefrom.

**29.** As soon as he ascertains that he is in a situation of conflict of interest or apparent conflict of interest, the agrologist must notify his client accordingly and, if he wishes to honour his contract for professional services, he must obtain his client's written authorization to such effect.

**30.** An agrologist shall refrain from sharing his fees with a person who is not a member of the Order or remitting his fees to such person. However, an agrologist may share his fees with another agrologist or another professional to the extent that such sharing corresponds to a distribution of services or responsibilities.

**31.** Subject to his client's consent, a member shall refrain from receiving, in addition to the remuneration to which he is entitled, any benefit, rebate or commission related to the practice of his profession, nor shall he pay, offer to pay or agree to pay any such benefit, rebate or commission.

**32.** For a given service, the agrologist shall accept fees from a single source only, unless explicitly agreed otherwise by all the parties concerned. He shall accept payment of his fees only from his client or the latter's representative.

**33.** An agrologist shall generally act, in the same matter, for only one of the parties concerned. If his professional duties require that he act otherwise, the agrologist must specify the nature of his responsibilities and must keep all the interested parties informed that he will cease to act if the situation becomes irreconcilable with his duty of independence and impartiality.

*§6. Provisions designed to preserve the secrecy of confidential information*

**34.** An agrologist shall preserve the secrecy of all confidential information that becomes known to him in the practice of his profession. To that end, the agrologist must in particular:

(1) refrain from using such information to the detriment of his client or for purposes other than those for which it was entrusted to him, and in particular, with a view to obtaining, directly or indirectly, a benefit for himself or another person;

(2) take the necessary steps to ensure that his collaborators and persons under his direction, supervision and responsibility do not disclose or use such information that becomes known to them in the course of performing their duties;

(3) avoid holding or participating in indiscreet conversations concerning a client and the services rendered to such client;

(4) avoid disclosing a request made by a person for his services where such fact is likely to be detrimental to that person;

(5) ensure, when he asks a client to impart confidential information to him or when he allows such information to be imparted to him, that the client is fully aware of the purpose of the interview and of the various uses that may be made of such information.

**35.** The agrologist shall be released from professional secrecy only with the written authorization of his client or where so ordered by law.

*§7. Terms and conditions applicable to the exercise of the rights of access and rectification contemplated in sections 60.5 and 60.6 of the Professional Code and duty of the agrologist to release documents to his client*

**36.** In addition to the specific rules prescribed by law, an agrologist must respond, with diligence and within 30 days at the latest following receipt thereof, to any request made by his client to:

(1) examine the documents concerning him in any record established in regard to him;

(2) obtain a copy of the documents concerning him in any record established in regard to him.

**37.** An agrologist who accedes to a request contemplated in section 36 must provide his client with access to the documents free of charge. However, an agrologist may, in regard to a request contemplated in paragraph 2 of section 36, charge his client a reasonable fee.

An agrologist who charges such fee must, before reproducing or transcribing a document or forwarding a copy, inform his client of the approximate amount he will be asked to pay.



**38.** An agrologist may refuse to allow access to the information contained in his client's record where the disclosure of such information would be likely to cause serious harm to the client or a third party.

**39.** An agrologist who, pursuant to section 38, refuses to allow his client access to the information contained in his record, must notify the client in writing of the reason for his refusal.

**40.** In addition to the specific rules prescribed by law, an agrologist must respond, with diligence and within 30 days at the latest following receipt thereof, to any request made by his client to :

(1) cause to be corrected any information that is inaccurate, incomplete or ambiguous having regard for the purpose for which it was collected, contained in a document concerning him in any record established in regard to him;

(2) cause to be deleted any information that is outdated or not justified by the object of the record established in regard to him;

(3) file in the record established in regard to him the written comments prepared by him.

**41.** An agrologist who accedes to a request contemplated in section 40 must issue to his client, at no charge, within 30 days following receipt of the request, a copy of the document or portion thereof allowing the client to determine that the information has been corrected or deleted or, as the case may be, an attestation that the written comments prepared by the client have been filed in the record.

**42.** An agrologist who refuses to accede to a request made by his client pursuant to section 40 must notify the client in writing of the reasons for his refusal within 30 days following receipt of the request.

**43.** An agrologist must not destroy or appropriate, knowingly or in bad faith, or unduly keep an original record, or any document from that record, in any matter whatsoever.

#### *§8. Determination and payment of fees*

**44.** Before performing any professional acts, an agrologist must come to an agreement on the approximate amount of the anticipated fees, expenses and disbursements for carrying out his contract for professional services.

**45.** An agrologist must charge and accept fair and reasonable fees.

**46.** Fees are fair and reasonable if they are justified by the circumstances and are in proportion to the services rendered. The agrologist must, in particular, take into account the following factors when setting his fees :

(1) the time spent carrying out the professional service ;

(2) the difficulty and magnitude of the service ;

(3) the performance of an unusual service or a service requiring exceptional competence or speed.

**47.** An agrologist must agree with his client upon the terms and conditions for payment of the fees, expenses and disbursements agreed upon in accordance with section 44.

The agrologist must also provide his client with all the explanations necessary for understanding his statement of fees.

**48.** An agrologist must not demand full payment of his fees in advance ; however, he may demand payment of the anticipated expenses and disbursements along with a reasonable advance against his estimated fees.

**49.** The agrologist may collect interest on outstanding accounts only after having duly notified his client thereof in writing. The interest so charged must be at a reasonable rate.

**50.** Before having recourse to legal proceedings, an agrologist must have exhausted all other means at his disposal to obtain payment of his fees, expenses or disbursements.

**51.** An agrologist must not pay himself from the funds he holds for a client, except if the latter agrees thereto.

**52.** An agrologist must not sell his accounts receivable, except to a colleague.

**53.** An agrologist who appoints another person to collect his fees, expenses or disbursements must ensure that the latter is accustomed to acting with tact and moderation.

**54.** Regarding the collection of accounts, the agrologist must ensure, when he performs an act falling within the competence of the profession of agrology or assumes the direction, supervision and responsibility of and for such an act, that collection of accounts or invoicing is clearly done for and in his own name, whether he acts for his own account or for the account of a third party. However, an agrologist hired by a third party may allow such third party to claim directly from the client

the fees, expenses or disbursements related to his professional services, upon agreement between the client, the party that hired the agrologist and the agrologist, provided that the name of the agrologist handling the matter is clearly indicated on the invoices or collection documents. In every such case, the agrologist must ensure that the conditions set out in this subdivision.

#### **DIVISION IV** **DUTIES AND OBLIGATIONS TOWARDS** **THE PROFESSION AND THE ORDER**

##### *§1. Derogatory acts*

**55.** In addition to the acts contemplated in sections 59 and 59.1 of the Professional Code, the following acts are derogatory to the agrologist's profession:

(1) pressing or repeatedly inducing someone, either personally or through another person, to make use of his professional services;

(2) using, in the practice of the profession, the name of an agrologist who has ceased practising;

(3) communicating with the complainant without the written permission of the syndic or assistant syndic, upon being informed of an inquiry into his professional conduct or competence or upon being served with a disciplinary complaint lodged against him;

(4) failing to inform the syndic or assistant syndic, within a reasonable time, of a derogatory act committed by a colleague to his knowledge or where he has reasonable grounds for believing that a colleague is incompetent or in contravention of the Agrologists Act (R.S.Q., c. A-12), the Professional Code or a regulation enacted thereunder;

(5) failing to inform the authorities of the Order of any cases of unauthorized use of title or unlawful practice of which he has knowledge;

(6) inducing someone to commit, or collaborating in the commission of, a violation of the Agrologists Act, the Professional Code or a regulation enacted thereunder;

(7) misappropriating or employing for personal ends any money, security or property entrusted to him;

(8) claiming fees for professional acts not performed or erroneously described;

(9) in the case of an agrologist who calls upon the services of an agricultural technician or technologist, allowing such agricultural technician or technologist to

perform one of the professional acts described in section 24 of the Agrologists Act where the agrologist concerned fails to supervise it;

(10) signing or affixing his seal to any opinion, advice, recommendation or other written document related to the practice of his profession where such opinion, advice, recommendation or document was not prepared by him or under his direction, supervision and responsibility.

##### *§2. Relations with the Order and colleagues*

**56.** An agrologist whose participation in a council for the arbitration of accounts, a committee on discipline, a professional inspection committee or a review committee is requested by the Order must accept that duty unless he has exceptional grounds for refusing.

**57.** An agrologist must promptly answer all correspondence received from the Order, and in particular correspondence originating from the syndic of the Order, one of the assistant syndics, an expert appointed by the syndic, the professional inspection committee or one of its members, inspectors, investigators or experts, where any information or explanations are requested on any matter related to the practice of the profession.

**58.** An agrologist must not abuse a colleague's good faith or be guilty of breach of trust or disloyal practices towards such colleague.

In particular, he must not:

(1) take credit for the work of a colleague;

(2) profit from his capacity as an employer or hierarchical superior so as to limit, in any manner, the professional independence of another agrologist who is in his service or for whom he is responsible.

**59.** An agrologist consulted by a colleague must promptly provide the latter with his opinion and recommendations.

**60.** An agrologist called upon to collaborate with a colleague must maintain his professional independence. If he is given a task that is contrary to his conscience or principles, he may ask to be excused from performing it.

**61.** An agrologist must respect his colleagues as professionals. If he criticizes them, he must do so objectively and with moderation.

**62.** Where an agrologist is to perform a contract for professional services which had previously been given to another member of the Order or to a member of

another professional order, he must, before agreeing to perform such contract, ask the latter if his contract has really terminated, insofar as he is aware of the existence of such contract.

*§3. Contribution to the advancement of the profession*

**63.** An agrologist must, to the maximum possible extent, contribute to the development of his profession by sharing his knowledge and experience with his colleagues and students and by participating and collaborating in any training programs for the profession of agrology, continuing education activities, scientific publications, work being carried on at universities and work of scientific or professional organizations.

**64.** An agrologist must use his professional title in the practice of his profession.

**65.** An agrologist must sign, indicating his agrologist's title, the original and copies of all opinions, advice, studies, research, recommendations or other written documents prepared in connection with the practice of his profession, including in particular any processes, methods, standards, plans, technical descriptions, analyses, publications, specifications and supervisory instructions prepared by him or prepared under his direction, supervision and responsibility.

**66.** An agrologist may not sign or affix his seal to any opinions, advice, recommendations or other documents for which he did not assume direction, supervision and responsibility.

**DIVISION V**  
CONDITIONS, OBLIGATIONS AND  
PROHIBITIONS RESPECTING ADVERTISING

**67.** An agrologist may not, in any way whatsoever, engage in advertising that is false, misleading or incomplete, that plays upon the public's emotions or that is likely to mislead, nor may he allow any person to do so.

**68.** An agrologist may not use advertising aimed at persons who are vulnerable owing to the occurrence of a specific event.

**69.** An agrologist may not claim to possess specific qualities or skills relating, in particular, to his level of competence or to the extent or effectiveness of his services, unless he can substantiate such claim.

**70.** An agrologist may not use advertising that, directly or indirectly, denigrates or depreciates another agrologist or a firm of agrologists.

**71.** An agrologist who advertises fees must:

- (1) establish fixed fees;
- (2) specify the nature and extent of the services offered;
- (3) indicate whether or not expenses or other disbursements are included in such fees; and
- (4) indicate, if appropriate, that an additional amount could be charged in the event that additional services are required.

These explanations and indications must be given in such manner as to reasonably inform persons who have no particular knowledge of agrology.

Such fees must remain in force for a minimum period of 90 days after they were last broadcast or published. Notwithstanding the foregoing, nothing prevents an agrologist from agreeing with a client on fees that are lower than those broadcast or published.

**72.** An agrologist must avoid methods and attitudes likely to impart a profit-seeking or mercantile character to the profession.

**73.** Any advertisement must indicate the name and title of the agrologist.

**74.** An agrologist must keep a complete copy of any advertisement in its original form for a period of 3 years following the date of the last broadcast or publication. Such copy must be remitted to the syndic or assistant syndic upon request.

**75.** In his advertising, an agrologist may not use an endorsement or a statement of gratitude concerning him, except for awards for excellence and other awards underlining a contribution or an achievement for which the entire profession shared the honour.

**76.** All agrologists who are partners in the practice of their profession are jointly and severally responsible for compliance with the rules respecting advertising, unless one of the agrologists demonstrates that the advertising was done without his knowledge and consent and despite the measures taken to ensure compliance with those rules.

**77.** The name of a firm of agrologists must include only the names of agrologists who practise together. However, the name of a deceased or retired agrologist may be retained in the firm name.

**78.** Whenever an advertisement is broadcast, the agrologist must ensure that it appears clearly that it is an advertisement.

**DIVISION VI**  
COAT OF ARMS AND GRAPHIC SYMBOL  
OF THE ORDER

**79.** The Order is represented by a coat of arms or a graphic symbol that complies with the originals kept by the secretary of the Order.

**80.** An agrologist who reproduces the graphic symbol of the Order in his advertising must ensure that such reproduction conforms to the original kept by the secretary of the Order.

Where an agrologist uses the said graphic symbol elsewhere than on a business card, he must include the following statement in the advertisement:

“This is not an advertisement of the Ordre des agronomes du Québec and the liability of the Order cannot be incurred in connection with it.”.

**DIVISION VII**  
FINAL PROVISIONS

**81.** This Code replaces the Code of ethics of agrologists (R.R.Q., 1981, c. A-12, r.4).

**82.** This Code comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

**O.C. 920–2002, 21 August 2002**

Professional Code  
(R.S.Q., c. C-26)

**Engineers**  
— **Code of ethics**  
— **Amendments**

Regulation amending the Code of ethics of engineers

WHEREAS, under section 87 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order must make, by regulation, a code of ethics governing the general and special duties of the members of the Order

towards the public, their clients and their profession, particularly the duty to discharge their professional obligations with integrity;

WHEREAS, under the same section of the Professional Code, such code of ethics must contain, *inter alia*, provisions setting out the conditions and procedure applicable to the exercise of the rights of access and correction provided for in sections 60.5 and 60.6 of that Code, and provisions concerning a professional’s obligation to release documents to his client, as well as provisions setting out conditions, obligations and, where applicable, prohibitions in respect of advertising by the members of the order;

WHEREAS the Bureau of the Ordre professionnel des ingénieurs du Québec made, at its meeting of 24 April 2001, the Regulation amending the Code of ethics of engineers.

WHEREAS, under section 95.3 of the Professional Code, amended by section 8 of chapter 34 of the Statutes of 2001, the secretary of the Order sent a draft of the Regulation to every member of the Order at least 30 days before it was made by the Bureau;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation was published in Part 2 of the *Gazette officielle du Québec* of 15 August 2001 with a notice that it could be submitted to the Government, which could approve it with or without amendment upon the expiry of 45 days following the date of this publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office des professions du Québec made its recommendations;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister responsible for the administration of legislation respecting the professions;

THAT the Regulation amending the Code of ethics of engineers, attached to this Order in Council, be approved.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

## Regulation amending the Code of ethics of engineers \*

Professional Code  
(R.S.Q., c. C-26, s. 87, par. 4 and 5)

**1.** The Code of Ethics of Engineers is amended by the replacement of subdivision 7 of division III with the following :

*“§7. Access to and correction of records and release of documents*

**3.07.01.** Beyond the specific rules prescribed by law, an engineer must act, with diligence and no later than thirty (30) days following receipt thereof, on any request made by his client for the purposes of:

1° examining documents concerning him in any record established in his respect;

2° obtaining copies of documents concerning him in any record established in his respect.

**3.07.02.** An engineer who agrees to a request contemplated in section 3.07.01 shall give the client access to the documents in his presence or in the presence of a person authorized by him.

An engineer may, with respect to a request contemplated in subparagraph 2° of section 3.07.01, charge his client a reasonable fee not exceeding the cost of transmission, transcription or reproduction of a copy.

An engineer charging such fees shall, before they are incurred, inform his client of the approximate amount he will be asked to pay. An engineer has the right of retention concerning payment of such fees.

**3.07.03.** An engineer who, in applying the second paragraph of section 60.5 of the Professional Code, refuses to allow his client access to information contained in any record established in his respect, must furnish his client with the reasons for such refusal in writing.

**3.07.04.** Beyond the specific rules prescribed by law, an engineer must act, with diligence and no later than thirty (30) days following receipt thereof, on any request made by his client for the purposes of:

1° correcting information that is inaccurate, incomplete or ambiguous with regard to the purposes for which it was collected, in any document concerning him that is contained in any record established in his respect;

2° deleting any information that is outdated or not justified by the object of the record established in his respect;

3° placing his written comments in the record established in his respect.

**3.07.05.** An engineer who agrees to a request contemplated in section 3.07.04 shall give his client without charge a copy of the document or portion thereof showing the client that the information has been corrected, or, as the case may be, a certificate indicating that the written comments from the client have been placed in the record.

Upon receipt of a request in writing from the client, an engineer shall send, without charge to the client, a copy of such information or certificate to any person from whom an engineer received such information and to whom such information was given.

**3.07.06.** An engineer agrees to act with diligence on any request in writing made by his client for the purpose of taking back a document or item which the client had left with him.

The engineer indicates in the record established in respect of his client, as the case may be, the reasons for the client's request.

**3.07.07.** An engineer may require that a request contemplated in sections 3.07.01, 3.07.04 or 3.07.06 be submitted to his professional domicile during the usual hours of work. ”.

**2.** This Code is amended by the addition, at the end, of the following division :

### “DIVISION V OBLIGATIONS RELATIVE TO PROFESSIONAL ADVERTISING AND PROMOTION AND OBLIGATIONS RELATIVE TO THE NAMES OF PARTNERSHIPS OF ENGINEERS

**§1. Advertising and promotion**

**5.01.01.** An engineer may not in any way and under any circumstances make false, misleading or incomplete advertising with respect to his professional activities and services.

\* The Code of Ethics of Engineers (R.R.Q., 1981, c I-9, r.3) was amended by a regulation approved by order-in-council 1182-83 of June 8, 1983 (1983, G.O. 2, 2767) and by a regulation approved by order-in-council 2566-84 of November 21, 1984 (1984, G.O. 2, 5953).

**5.01.02.** The information that an engineer provides in his advertising or promotion must be of a nature to help the public make an informed choice. Such advertising or promotion must be done with integrity and favour professionalism.

**5.01.03.** In all advertising or representation he may make, an engineer must give his name and professional title.

**5.01.04.** An engineer shall not in his representation or advertising:

- 1° invade a person's privacy;
- 2° undermine a person's reputation;
- 3° compare the quality of his services with that of the services offered or rendered by other engineers;
- 4° discredit, denigrate or disparage the services offered or rendered by other engineers.

**5.01.05.** In addition to the obligations mentioned in section 5.01.04, an engineer shall not attribute to himself experience, professional or academic qualifications or particular qualities unless he is able to justify them.

**5.01.06.** An engineer shall ensure that the persons working with him in any capacity in the practice of his profession comply with the rules concerning advertising.

**5.01.07.** An engineer who, in his advertising, mentions fees or prices shall do so in a manner that can be understood by the public, which has no particular knowledge of the practice of engineering or the professional services covered by the advertising, and shall:

- 1° keep them in effect for the period mentioned in the advertising or, if no period is specified, for a period of ninety (90) days following the last publication or broadcast;
- 2° specify the nature and extent of the services included in such fees or prices;
- 3° indicate whether or not certain fees are included in such fees or prices;
- 4° indicate what additional services may be required which are not included in such fees or prices.

**5.01.08.** In the case of advertising offering a special price or a discount, an engineer shall specify how long such special price or discount is valid, as the case may be. This period may be less than ninety (90) days.

**5.01.09.** An engineer shall keep a copy of all advertising for a period of three (3) years following the date of its last broadcast or publication. On request, this copy shall be given to the syndic.

## §2. *Names of partnerships of engineers*

**5.02.01.** The name of a partnership of engineers includes only the names of the engineers who are practising their profession together. It may not include the name of a deceased or retired associate engineer for more than one (1) year, unless he or his legal representatives had made an agreement in writing to the contrary.

**5.02.02.** When an associate engineer withdraws from a partnership to practise alone, to join another partnership or another business or to hold a position that is incompatible with the practice of the profession, his name must be eliminated from the name within thirty (30) days of his withdrawal, unless there is a written agreement to the contrary.

In all cases, the agreement may not stipulate a period of more than one (1) year.

**5.02.03.** The name of a partnership of engineers may end with the words "and associates" when the names of at least two associates are not included in the name.

**5.02.04.** An engineer practising in a partnership is jointly responsible with the other professionals for following the rules concerning advertising, unless he can establish that the advertising was done without his knowledge or consent and in spite of the provisions made to ensure compliance with such rules."

**3.** The Regulation Respecting Advertising by Engineers (R.R.Q., 1981, c. I-9, r.10) is revoked.

**4.** This regulation comes into force on the fifteenth day following its publication in the *Gazette officielle du Québec*.

Gouvernement du Québec

**O.C. 921-2002**, 21 August 2002

Professional Code  
(R.S.Q., c. C-26)

**Notaries**  
— **Code of ethics**

CONCERNING Code of ethics of notaries

WHEREAS, under section 87 of the Professional Code (R.S.Q., c. C-26; 2001, c. 78, s. 6), the Bureau of the Chambre des notaires du Québec must make, by regulation, a code of ethics governing the general and special duties of the members of the Order towards the public, their clients and their profession;

WHEREAS the Bureau of the Chambre des notaires du Québec made a Code of ethics of notaries to replace the Code of ethics of notaries (R.R.Q., 1981, c. N-2, r.3);

WHEREAS, under section 95.3 of the Professional Code, amended by section 8 of chapter 34 of the Statuts of 2001, a draft of the Regulation was sent to every member of the Order at least 30 days before its adoption by the Bureau;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation was published in Part 2 of the *Gazette officielle du Québec* of 16 January 2002, with a notice that it could be submitted to the Government for approval upon the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office des professions du Québec made its recommendations;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister responsible for the administration of legislation respecting the professions;

THAT the Code of ethics of notaries, attached to this Order in Council, be approved.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

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**Code of ethics of notaries**

Professional Code  
(R.S.Q., c. C-26, s. 87, 2001, c. 78, s. 6)

**CHAPTER I**  
DUTIES AND OBLIGATIONS TOWARDS THE  
PUBLIC

**1.** Every notary shall act with dignity and shall refrain from using methods or adopting attitudes likely to detract from the good repute of the profession or from the notary's ability to serve the public interest.

**2.** A notary must seek to improve the quality and availability of professional services in areas in which he practises.

**3.** A notary must promote measures of education and information relevant to the areas in which he practises.

In alternate dispute resolution, the notary must also promote all measures likely to encourage settlement by agreement and must inform the public of mechanisms available.

**4.** A notary must promptly report to the syndic of the Ordre professionnel des notaires du Québec where he has reason to believe that a notary has used funds, securities, or other property for purposes other than those for which they were entrusted to him in the practice of his profession.

**5.** Every notary shall consistently strive to maintain up-to-date knowledge of his profession. The notary shall always remain informed of developments in the areas in which he practises, and shall maintain his skills in these areas.

**CHAPTER II**  
DUTIES AND OBLIGATIONS TOWARDS  
THE CLIENT

**DIVISION I**  
GENERAL

**6.** No notary shall practise under conditions or in situations likely to impair the quality of his services.

**7.** The advice given by a notary to clients or to parties to an act must be disinterested, frank, and honest.

**8.** Before concluding a contract for services, the notary must consider the extent of his proficiency and knowledge, the standards of the area in which he practices his profession, and the means at his disposal.

**9.** Every notary shall seek to establish a relationship of mutual trust between himself and his client. To that end, he shall, in particular,

(1) refrain from practising his profession in a perfunctory manner;

(2) conduct interviews with respect for his client's values and personal convictions.

**10.** No notary shall intervene in a client's personal affairs in matters not generally acknowledged to be within the scope of the profession.

**11.** Every notary shall at all times respect a client's right to consult another notary, a member of another professional order, or another competent person.

**12.** Every notary shall exercise appropriate supervision over any student, employee, or other person for whom he is responsible.

## DIVISION II INTEGRITY

**13.** A notary shall observe the strictest rules of probity, objectivity, and integrity.

**14.** No notary shall falsely represent his level of competence or the efficacy of his services or those generally provided by members of his profession.

If a client's welfare so requires, the notary shall, with the client's authorization, consult a colleague, a member of another professional order, or another competent person, or refer him to one of these persons.

**15.** Every notary shall inform his client, as soon as possible, of the extent, terms, and conditions of the contract for services, and obtain the client's agreement thereto.

**16.** A notary shall, according to the contract for services agreed upon, inform the parties to an act or agreement of the nature and reasonably foreseeable legal consequences of the act or agreement.

**17.** A notary shall inform his client of the formalities required for the validity and efficacy of each act or agreement and shall determine the facts that are essential thereto.

**18.** No notary shall use for his own purposes the monies, securities, or other property entrusted to him in the practice of his profession. In particular, he shall not use them as a personal loan or security, or invest them to

his own advantage, whether in his name, through an intermediary, or on behalf of a legal person in which he owns an interest.

**19.** Every loan obtained by a notary from a client other than a legal person must be evidenced by notarial act executed before a notary who is not his partner.

**20.** A notary who exercises his profession chiefly as a financial planner must, where an agreement has been entered into between the Order and the Bureau des services financiers pursuant to the first paragraph of section 59 of the Act respecting the distribution of financial products and services (R.S.Q., c. D-9.2), be authorized by the Order to hold the title of financial planner.

In the absence of such an agreement, the notary must hold a certificate issued pursuant to section 56 of the Act to use the title of financial planner.

**21.** Every notary shall take reasonable care of the corporeal property entrusted to his care.

**22.** A notary who undertakes or participates in matters not connected with the practice of his profession shall exercise care to protect his personal solvency, professional independence, and professional obligations.

## DIVISION III AVAILABILITY AND DILIGENCE

**23.** A notary shall demonstrate reasonable availability and diligence. He shall inform his client if he cannot respond to a request within a reasonable time.

**24.** In addition to opinion and advice, the notary shall provide his client with all explanations necessary to understand and assess the services rendered.

**25.** A notary shall render account to his client when so requested.

**26.** No notary shall cease to act on behalf of a client without serious cause. The following, in particular, constitute serious cause:

(1) loss of confidence between the notary and the client;

(2) the fact that the notary is in a conflict of interest or in a situation where his professional independence could be called into question;

(3) inducement by the client to perform illegal, unfair, or fraudulent acts.



**27.** Before ceasing to perform his duties on behalf of a client, the notary shall give advance notice of withdrawal to all parties within a reasonable time. He must minimize the prejudice caused to the parties by the withdrawal of services.

Where the notary acts as legal adviser to one party only, he shall give notice to that party only.

#### **DIVISION IV LIABILITY**

**28.** Every notary shall fully assume civil liability in the practice of his profession. No notary shall include in a contract for professional services any clause directly or indirectly excluding this liability in whole or in part. However, the client and the notary may agree to limit the terms of the contract for services within the parameters of the law.

#### **DIVISION V INDEPENDENCE AND IMPARTIALITY**

**29.** Every notary shall subordinate his personal interests to those of his client and safeguard his professional independence at all times.

**30.** No notary may be in a situation of conflict of interest.

A notary is in a situation of conflict of interest where the interests are such that he may be inclined to give preference to some of them, or his judgment or loyalty may be unfavourably affected.

As soon as the notary finds himself in a conflict of interest, he shall cease to perform his duties.

**31.** A notary shall ignore any intervention by a third party that might influence the performance of his professional duties to the detriment of his client.

**32.** No notary shall share his fees with, or remit them to, a person who is not a notary, except as allowed by regulation adopted pursuant to paragraph 94 (*p*) of the Professional Code, enacted pursuant to section 6 of chapter 34 of the Statutes of Quebec 2001.

Nevertheless, a notary may pay commissions to persons entitled thereto pursuant to an act or a regulation.

**33.** Save for the remuneration to which he is entitled, no notary shall pay or receive any benefit or rebate in connection with the practice of his profession.

**34.** Every notary shall inform his client in writing of the fees, commissions, and disbursements paid by him to a third person or paid to him by a third person on behalf of the client.

#### **DIVISION VI PROFESSIONAL SECRECY AND CONFIDENTIALITY**

**35.** Every notary is bound by professional secrecy.

**36.** A notary may be released from professional secrecy only with the written authorization of the person concerned, or if required by law.

**37.** No notary shall disclose that a person has retained his services, unless required to do so by the nature of the case.

**38.** Every notary shall avoid indiscreet conversations concerning a client and the services rendered to him.

**39.** No notary shall make use of confidential information in a manner that is prejudicial to a client, or with a view to obtaining a direct or indirect benefit for himself or another person.

**40.** Every notary must ensure that no person for whom he is responsible in his practice discloses any confidential information to a third person.

**41.** No notary shall disclose any personal code or mark enabling the use of his digital signature or any other, similar means of identifying him or acting in his name.

#### **DIVISION VII ACCESSIBILITY AND RECTIFICATION OF RECORDS**

**42.** Subject to conflicting legislation, every notary shall allow a client to take cognizance, and obtain copies, of documents that concern the client in any record. However, the notary shall deny access to information contained in such documents where disclosure would probably result in serious prejudice to the client or to a third person.

**43.** Subject to conflicting legislation, every notary shall allow a client to require the correction of any information that is inaccurate, incomplete, or ambiguous given the purpose for which it was collected, contained in a document concerning the client in any record established in his respect. The notary shall also allow a client to require the deletion of any information that is

outdated or unjustified given the object of the record, and to prepare written comments and file them in the record.

**44.** A notary who has in his possession a record in respect of which a request for access or correction has been made by the person concerned must accede to this request with due diligence, and in any event, not later than twenty days after the request.

**45.** Access to information contained in a record is free. Nevertheless, fees for copies or extracts of acts and fees not exceeding the costs of transcription, reproduction, or transmission may be charged to a person requesting the information. Before transcribing, reproducing, or transmitting the information, the notary who intends to charge fees pursuant to this section must inform such person of the approximate amount that will be charged.

**46.** A notary who refuses to grant a request for access or correction shall notify the person concerned in writing, giving reasons and informing him of his recourses.

**47.** A notary who grants a request for correction shall, without charge, give the person concerned a copy of all information that has been changed or added, or, as the case may be, written confirmation that information has been deleted.

The person concerned may require the notary to transmit a copy of the information or the confirmation, as the case may be, to the person from whom such information was obtained or to any person to whom such information was given.

**48.** A notary who has information in respect of which a request for access or correction has been denied shall conserve such information until such time as the person concerned has exhausted his recourses under the law.

#### **DIVISION VIII** DETERMINATION AND PAYMENT OF FEES

**49.** The fees charged by a notary must be fair and reasonable, warranted under the circumstances, and proportional to the services rendered, and in this regard the notary shall abstain from unfair competition with his colleagues.

In determining his fees, the notary shall take the following factors into account:

- (1) his experience or expertise;
- (2) the time required to execute the professional service;

(3) the degree of difficulty and importance of the service;

(4) the performance of services that are unusual or require exceptional competence or speed;

(5) the degree of responsibility assumed;

(6) the result obtained, where the matter may have involved special difficulties or where the outcome has been uncertain.

**50.** A notary shall explain his detailed statement of fees to his client as required.

**51.** Every notary shall inform his client of the approximate cost of his services. He shall not determine the amount of his fees without knowing all the elements required to establish the amount. He must promptly inform his client where he anticipates that the approximate cost will be exceeded.

**52.** No notary shall demand advance payment of his fees; he may, however, require advances on his fees and disbursements.

**53.** No notary shall charge interest on outstanding accounts unless the client has been duly notified. The interest so charged must be reasonable.

**54.** No notary shall deduct his fees and disbursements from a client's funds without the client's written authorization, regardless of the reason for which the funds are held.

### **CHAPTER III** DUTIES AND OBLIGATIONS TOWARDS THE PROFESSION

#### **DIVISION I** INCOMPATIBLE RESPONSIBILITIES AND DUTIES

**55.** No notary may be a member of the Ordre professionnel des avocats du Québec, as such membership is incompatible with the notarial profession.

#### **DIVISION II** DEROGATORY ACTS

**56.** In addition to the acts referred to in sections 57, 58, 59.1, and 59.2 of the Professional Code, the following acts performed by a notary constitute acts derogatory to the dignity of the profession:

- (1) urging a person repeatedly or insistently to retain his professional services;

(2) communicating with a complainant without the prior written permission of the syndic or assistant syndic, where he is informed that he is the subject of an inquiry into his conduct or professional competence or where he has been served notice of a complaint against him;

(3) billing a client for meeting, communicating, or corresponding with the syndic, the assistant syndic, the Secretary of the Order, the conciliator of accounts, the Council of arbitration, the Secretary of the Comité du Fonds d'indemnisation, or an inspector, in response to a request for explanations or information concerning a claim by the client or by any other person in respect of the notary;

(4) furnishing a receipt or other document that falsely indicates that services have been rendered;

(5) failing to promptly inform the Order where a candidate fails to respect the conditions for admission to the Order;

(6) failing to promptly report to the Order any person illegally practising the notarial profession or appropriating the title of notary;

(7) misappropriating, or using for purposes other than those authorized by the client, the monies, securities, or other property remitted to the notary in trust;

(8) giving the character of authenticity to illegal or fraudulent acts;

(9) participating in, agreeing to render services enabling the commission of, or committing an illegal or fraudulent act;

(10) asking a client to withdraw him from, or refusing to submit to, the conciliation or arbitration of his account, or refusing to comply with decisions rendered pursuant to the Regulation respecting the procedure for conciliation and arbitration of accounts of notaries;

(11) taking legal action against a colleague in connection with a matter related to the practice of the profession without having first referred the dispute to the president of the Order for mediation;

(12) failing to promptly notify the Secretary of the Order where, pursuant to the Bankruptcy and Insolvency Act (S.C. 1997, c. 12), he has made an assignment of property for the benefit of his creditors, is the subject of a receiving order, or has made a proposal that has been rejected by his creditors or dismissed or annulled by the court.

**57.** No notary shall, for any reason whatsoever, directly or indirectly assist or collaborate with a notary who has been struck off the roll by allowing him to use his name to prepare proceedings or practise the profession. He shall not hire or keep in his employ a notary who has been struck off the roll, or tolerate, without valid reason, the latter's presence in his office.

### **DIVISION III** **RELATIONS WITH THE ORDER AND WITH COLLEAGUES**

**58.** A notary whose participation on a board of arbitration of accounts, a review committee, a committee on discipline, or a committee on professional inspection is requested by the Order must accept that duty unless he has reasonable cause for refusing it.

**59.** Every notary shall promptly reply to all correspondence addressed to him by the Order or by any person appointed to assist it.

**60.** No notary shall unduly retain a file or document belonging to a client. Thus the notary shall, upon request and upon payment of the fees and disbursements due, transmit a client's files and documents to the client or to a colleague with the client's authorization.

**61.** No notary shall betray the good faith or breach the trust of a colleague, or display disloyal practices towards him.

**62.** A notary who requests a colleague to execute an act that he himself has drawn up must, in relation to the colleague, assume in writing all liability in respect of the contents of the act.

**63.** A notary who is consulted by a colleague must give his opinion and recommendations within a reasonable time.

**64.** A notary who is called upon to collaborate with another notary or with any other person must maintain professional independence. He shall not perform a task contrary to his professional conscience or to the principles governing the practice of his profession.

**65.** No notary shall compromise the good repute of the profession or a colleague by discrediting or denigrating the competence, knowledge, or services of another notary. A notary shall not use a decision of the committee on discipline for the purpose of compromising the reputation of a colleague or harming relations between a colleague and the colleague's client or employer.

#### DIVISION IV CONTRIBUTION TO THE ADVANCEMENT OF THE PROFESSION

**66.** Every notary shall, as far as he is able, contribute to the development of his profession by exchanging his knowledge and experience with his colleagues or students, collaborating in vocational training programmes and the work of universities and legal associations, and contributing to scientific and professional publications.

#### DIVISION V PUBLIC DECLARATIONS

**67.** As a professional within the framework of public discourse by means of conferences, writings, or messages conveyed by the media or through the mail, the notary shall emphasize the general nature of or limits to the information or advice given.

#### CHAPTER IV RESTRICTIONS AND OBLIGATIONS RELATING TO ADVERTISING

**68.** No notary shall, by any means whatsoever, engage in or allow advertising that is false, deceitful, incomplete, or likely to be misleading.

**69.** No notary shall claim to possess specific qualities or skills, particularly in respect of his level of competence or the range or efficacy of his services, unless he can substantiate such claims.

**70.** No notary shall, in his advertising, use or allow to be used any endorsement or statement of gratitude in his regard other than awards for excellence and other prizes received in recognition of a contribution or achievement the honour of which is reflected on the profession as a whole.

**71.** A notary who advertises professional fees or prices must do so in a manner easily comprehensible by a public having no particular knowledge of the law, and must

(1) maintain such fees for the period of time indicated in the advertisement, which period must not be less than 60 days following the last authorized broadcast or publication;

(2) indicate the services covered by the fees;

(3) indicate whether or not disbursements or taxes are included.

**72.** No notary shall, in any way whatsoever in a declaration or advertisement, give more importance to fees and prices than to the professional service offered.

**73.** All the partners in a partnership are responsible for complying with the rules respecting advertising, unless the advertisement clearly indicates the names of one or more persons who are responsible.

#### CHAPTER V PARTNERSHIP NAME AND GRAPHIC SYMBOL

**74.** Except as provided in section 75, only the names of partners who practise together may be included in the name of a partnership of which a notary is a member.

The partnership name may end with the words “and Associates” where the names of at least two partners do not appear in the partnership name.

**75.** Where a notary retires from a partnership or dies, his name must no longer appear in the partnership name or partnership advertising after one year following retirement or death unless an agreement to the contrary has been entered into with him or with his successors and assigns.

**76.** Where a notary uses the graphic symbol or the coat of arms of the Order for advertising purposes, he must ensure that they are associated with his name or the name of his partnership and that they are identical to the original held by the Secretary of the Order.

**77.** Where a notary uses the graphic symbol or the coat of arms of the Order in an advertisement, he must ensure that it is clear that the advertisement does not originate from, and is not binding on, the Order.

#### CHAPTER VI FINAL PROVISIONS

**78.** This code replaces the Code of ethics of notaries (R.R.Q., c. N-2, r.3).

**79.** This code comes into force on the fifteenth day following its publication in the *Gazette officielle du Québec*.

Gouvernement du Québec

## O.C. 922-2002, 21 August 2002

Professional Code  
(R.S.Q., c. C-26; 2001, c. 78)

### Dentists

— Code of ethics  
— Amendments

Regulation to amend the Code of ethics of dentists

WHEREAS, under section 87 of the Professional Code (R.S.Q., c. C-26; 2001, c. 78, s. 6), the Bureau of a professional order must make, by regulation, a code of ethics governing the general and special duties of the professional towards the public, his clients and his profession, particularly the duty to discharge his professional obligations with integrity;

WHEREAS, under the same section of the Professional Code, the code of ethics must contain, *inter alia*, provisions setting out the conditions and procedure applicable to the exercise of the rights of access and correction provided for in sections 60.5 and 60.6 of the Code and provisions concerning a professional's obligation to release documents to his client;

WHEREAS the Bureau of the Ordre des dentistes du Québec adopted the Regulation to amend the Code of ethics of dentists;

WHEREAS, under section 95.3 of the Professional Code, amended by section 8 of chapter 34 of the Statutes of 2001, the secretary of the order sent the draft Regulation to every member of the order at least 30 days before its adoption by the Bureau;

WHEREAS, in accordance with the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation was published in Part 2 of the *Gazette officielle du Québec* of 16 January 2002 with a notice that it would be submitted to the Government for approval with or without amendment upon the expiry of 45 days following the date of its publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office des professions made its recommendations;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation to amend the Code of ethics of dentists, attached to this Order in Council, be approved.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

## Regulation to amend the Code of ethics of dentists\*

Professional Code  
(R.S.Q., c. C-26, s. 87, par. 4; 2001, c. 78, s. 6)

1. The following is substituted for Subdivision 7 of Division III of the Code of ethics of dentists:

“§7. *Accessibility and correction of records and release of documents*

**3.07.01.** In addition to the special rules prescribed by law, a dentist must respond with diligence and no later than 30 days after receipt thereof to any request from a patient whose purpose is

(1) to examine documents that concern that patient in any record established in respect of the patient; or

(2) to obtain a copy of the documents that concern that patient in any record established in respect of the patient.

**3.07.02.** A dentist who grants a request referred to in section 3.07.01 shall allow a patient access to documents free of charge. However, a dentist who receives a request referred to in paragraph 2 of section 3.07.01 may charge the patient reasonable fees not exceeding the cost for reproducing or transcribing documents or for transmitting a copy of documents.

The dentist shall notify the patient of the approximate cost before reproducing, transcribing or transmitting the requested information or copies.

**3.07.03.** A dentist who, pursuant to the second paragraph of section 60.5 of the Professional Code, refuses to allow a patient access to the information contained in a record established in respect of that patient shall inform the patient in writing of the reason for the refusal where the disclosure would be likely to cause serious harm to the patient or to a third person.

\* The Code of ethics of dentists (R.R.Q., 1981, c. D-3, r.4) was last amended by the Regulation made by Order in Council 673-96 dated 5 June 1996 (1996, G.O. 2, 2729). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2002, updated to 1 March 2002.

**3.07.04.** In addition to the special rules prescribed by law, a dentist must respond with diligence and no later than 30 days after receipt thereof to any request from a patient whose purpose is

(1) to cause to be corrected any information that is inaccurate, incomplete or ambiguous with regard to the purpose for which it was collected, contained in a document concerning the patient in any record established in respect of the patient;

(2) to cause to be deleted any information that is outdated or not justified by the object of the record established in respect of the patient; or

(3) to file the patient's written comments in the record established in respect of the patient.

**3.07.05.** A dentist who grants a request referred to in section 3.07.04 shall issue to the patient, free of charge, a copy of the document or part of the document so that the patient may see that the information was corrected or deleted or, as the case may be, an attestation that the patient's written comments were filed in the record.

Upon a patient's written request, a dentist shall forward free of charge a copy of that information or, as the case may be, of that attestation to any person from whom the dentist received the information and to any person to whom the information was provided.

**3.07.06.** A dentist must respond with diligence to any written request from a patient to take back a document entrusted to that dentist.

A dentist shall indicate in the patient's file, where applicable, the reasons that support the patient's request.

**3.07.07.** A dentist may require that a request referred to in section 3.07.01, 3.07.04 or 3.07.06 be made at the dentist's professional domicile during regular office hours."

**2.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

**O.C. 923-2002, 21 August 2002**

Professional Code  
(R.S.Q., c. C-26)

**Physiothérapeutes  
— Integration of physical Rehabilitation Therapists**

Integration of Physical Rehabilitation Therapists into the Ordre professionnel des physiothérapeutes du Québec

WHEREAS, under the second paragraph of section 27.2 of the Professional Code (R.S.Q., c. C-26), the Government may, by order, integrate into a professional order referred to in Division III of Chapter IV of the Code, a group of persons to whom it considers necessary, for the protection of the public, to grant a reserved title, after consultation with the Office des professions du Québec, the Conseil interprofessionnel du Québec and the order concerned as well as with organizations, if any, that represent the group of persons concerned by the integration;

WHEREAS, in December 1995, the Office des professions du Québec released a notice to the Government on the recognition of physical rehabilitation therapists in which it recommended, namely, that physical rehabilitation therapists be recognized by the Professional Code by integrating them into the Ordre professionnel des physiothérapeutes du Québec;

WHEREAS, for the protection of the public, it is necessary to grant a reserved title to physical rehabilitation therapists;

WHEREAS the consultations required under the aforesaid provision were carried out;

WHEREAS, in accordance with the third paragraph of section 27.2 of the Code, a proposal for the integration of physical rehabilitation therapists into the Ordre professionnel des physiothérapeutes du Québec was published by the Minister responsible for the administration of legislation respecting the professions in Part 2 of the *Gazette officielle du Québec* of 10 April 2002, with a notice that the proposed integration would be examined by the Government upon the expiry of 60 days following such publication;

WHEREAS, following that publication, the chairman of the Office received comments and it is expedient to amend the integration proposal;

WHEREAS it is appropriate to integrate physical rehabilitation therapists into the Ordre professionnel des physiothérapeutes du Québec, in accordance with the provisions of the Schedule to this Order in Council;

WHEREAS the Ordre professionnel des physiothérapeutes du Québec and the Société québécoise des thérapeutes en réadaptation physique agreed to the proposed integration;

IT IS ORDERED, therefore, upon the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT, in accordance with the provisions of the Schedule to this Order in Council, the integration of physical rehabilitation therapists into the Ordre professionnel des physiothérapeutes du Québec be carried out;

THAT this Order in Council have effect from the date of the coming into force of paragraph 3 of section 37.1 of the Professional Code, enacted by section 2 of the Act to amend the Professional Code and other legislative provisions as regards the health sector (2002, c. 33).

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

**SCHEDULE**  
**INTEGRATION OF PHYSICAL**  
**REHABILITATION THERAPISTS INTO THE**  
**ORDRE PROFESSIONNEL DES**  
**PHYSIOTHÉRAPEUTES DU QUÉBEC**

Professional Code  
(R.S.Q., c. C-26, s. 27.2)

**1.** Physical rehabilitation therapists shall be incorporated into the Ordre professionnel des physiothérapeutes du Québec hereafter designated as “Ordre professionnel de la physiothérapie du Québec”.

**2.** The Ordre professionnel de la physiothérapie du Québec may issue the following two categories of permits: a physical therapist’s permit and a physical rehabilitation therapist’s permit.

A member of the Order may not hold more than one permit.

**3.** The activities that may be carried out by the members of the Order, in addition to those otherwise permitted by law, shall be those provided for in paragraph *n* of section 37 and in paragraph 3 of section 37.1 of the Professional Code.

**4.** Physical therapists may carry out all the activities provided for in section 3.

Physical rehabilitation therapists may carry out the following activities among those provided for in section 3 where they have a prior assessment that was made by a physical therapist or a medical diagnosis that is not restricted to symptoms and specifies the type of structural disorder, if applicable, with a file documenting the disorder, determine a treatment plan and carry out the necessary interventions in order to obtain the optimal functional performance, to the extent, under the conditions and in the following cases:

(1) determine a treatment program, make decisions regarding the means of treatment and provide the treatment for a patient, where

(a) there is a recognized treatment plan in an establishment within the meaning of the Act respecting health services and social services (R.S.Q., c. S-4.2);

(b) sequellae require rehabilitation to recover functional autonomy or second-stage rehabilitation or maintenance of level of autonomy;

(2) take part in a treatment program, make decisions regarding the means of treatment and provide the treatment for a patient

(a) who has an orthopedic or rheumatic disorder other than those referred to in subparagraph *a* of paragraph 3 or subparagraph *e* of paragraph 4;

(b) who requires treatment to prevent complications resulting from peripheral vascular disorders.

Where the therapist has the required etiology or biomechanic information on the disorder and on possible contra-indications, and, if applicable, an indication of the summary, the therapist may establish the treatment program.

(3) make decisions regarding the means of treatment and provide the treatment for a patient with

(a) an orthopedic or rheumatic disorder the treatment of which interferes with normal growth;

(b) a disorder for which the intensive period of functional rehabilitation has ended;

(c) a chronic and controlled respiratory disorder;

(d) a peripheral vascular disorder;

- (e) a burn or wound;
- (f) peripheral nerve damage;
- (4) provide a general treatment prescribed by a physician or a physical therapist for a patient
  - (a) who requires intensive functional rehabilitation;
  - (b) who is a serious burn victim;
  - (c) who requires electrical stimulation of an enervated muscle;
  - (d) who is a child and requires neurological treatment or treatment as a result of a degenerative disease;
  - (e) who requires orthopedic or rheumatic treatment involving a specialized approach or therapy;
  - (f) who has an uncontrolled or acute respiratory disorder;
  - (g) who requires treatment for a central vascular disorder.

**5.** The titles, abbreviations and initials reserved for physical therapists shall be those provided for in paragraph *n* of section 36 of the Professional Code.

**6.** The titles reserved for physical rehabilitation therapists are “physical rehabilitation therapist”, “exercise therapist” and “therapist in physical rehabilitation”.

The initials reserved for physical rehabilitation therapists are “P.R.T.”.

**7.** Physical therapists may use the titles reserved for physical therapists and may engage in the professional activities that may be performed by physical therapists.

**8.** Physical rehabilitation therapists may use the titles reserved for physical rehabilitation therapists and may engage in the professional activities that may be performed by physical rehabilitation therapists.

**9.** The holder of a permit issued by the Ordre professionnel des physiothérapeutes du Québec prior to the coming into force of the integration shall be the holder of a physical therapist’s permit issued by the Ordre professionnel de la physiothérapie du Québec.

**10.** The chair of the Ordre professionnel de la physiothérapie du Québec shall be a physical therapist.

**11.** On the date that the integration takes effect, the Bureau of the Ordre professionnel de la physiothérapie du Québec shall consist of the chair and the following 24 directors, serving for the terms specified:

(1) the chair of the Ordre professionnel des physiothérapeutes du Québec in office when the integration takes effect, who shall become the chair of the Ordre professionnel de la physiothérapie du Québec, for a term ending in 2005 on the date the president elected in 2005 takes office, as determined by regulation made under paragraph *b* of section 93 of the Professional Code;

(2) sixteen directors of the Bureau of the Ordre professionnel des physiothérapeutes du Québec in office when the integration takes effect, as follows:

(a) one director representing the Bas-Saint-Laurent and Gaspésie–Îles-de-la-Madeleine region;

(b) one director representing the Saguenay–Lac-Saint-Jean and Côte-Nord region;

(c) one director representing the Capitale Nationale region;

(d) one director representing the Québec and Chaudière-Appalaches region;

(e) one director representing the Mauricie and Centre-du-Québec region;

(f) one director representing the Estrie region;

(g) two directors representing the Montréal region;

(h) one director representing the Laval region;

(i) one director representing the Laurentides and Lanaudière region;

(j) one director representing the Montérégie region;

(k) one director representing the Outaouais region;

(l) one director representing the Abitibi-Témiscamingue and Nord-du-Québec region; and

(m) three directors appointed by the Office des professions du Québec.

The directors whose terms with the Ordre professionnel des physiothérapeutes du Québec expire first shall be appointed for a term ending in 2004, the direc-



tors whose terms expire next shall be appointed for a term ending in 2005 and the other directors shall be appointed for a term ending in 2006, on the date the directors elected in 2004, 2005 and 2006 respectively take office, as determined by regulation under paragraph *b* of section 93 of the Professional Code;

(3) a physical rehabilitation therapist appointed by the Office des professions du Québec, representing the Capitale Nationale region and the Chaudière-Appalaches, Bas-Saint-Laurent, Gaspésie and Îles-de-la-Madeleine region, for a term ending in 2004 on the date the directors elected in 2004 take office, as determined by regulation under paragraph *b* of section 93 of the Professional Code;

(4) a physical rehabilitation therapist appointed by the Office des professions du Québec, representing the Montérégie, Laurentides and Lanaudière region, for a term ending in 2004 on the date the directors elected in 2004 take office, as determined by regulation under paragraph *b* of section 93 of the Professional Code;

(5) a physical rehabilitation therapist appointed by the Office des professions du Québec, representing the Saguenay–Lac-Saint-Jean and Côte-Nord region, for a term ending in 2005 on the date the directors elected in 2005 take office, as determined by regulation under paragraph *b* of section 93 of the Professional Code;

(6) a physical rehabilitation therapist appointed by the Office des professions du Québec, representing the Estrie, Mauricie, Centre-du-Québec and Outaouais region, for a term ending in 2005 on the date the directors elected in 2005 take office, as determined by regulation under paragraph *b* of section 93 of the Professional Code;

(7) a physical rehabilitation therapist appointed by the Office des professions du Québec, representing the Montréal region, for a term ending in 2006 on the date the directors elected in 2006 take office, as determined by regulation under paragraph *b* of section 93 of the Professional Code;

(8) a physical rehabilitation therapist appointed by the Office des professions du Québec, representing the Laval, Abitibi-Témiscamingue and Nord-du-Québec region, for a term ending in 2006 on the date the directors elected in 2006 take office, as determined by regulation under paragraph *b* of section 93 of the Professional Code;

(9) a physical therapist appointed by the Office des professions du Québec, representing the Montréal region, for a term ending in 2006 on the date the directors elected in 2006 take office, as determined by regula-

tion under paragraph *b* of section 93 of the Professional Code; and

(10) a director appointed by the Office des professions du Québec, under section 78 of the Professional Code, for a term ending in 2005 on the date the directors elected in 2005 take office, as determined by regulation under paragraph *b* of section 93 of the Professional Code.

The directors referred to in subparagraphs 3 to 9 are deemed to be elected directors.

**12.** On the date that the integration takes effect, the administrative committee of the Ordre professionnel de la physiothérapie du Québec shall consist of the following five members, who shall serve a term ending in 2004 on the date the elected directors take office, as determined by regulation under paragraph *b* of section 93 of the Professional Code:

(1) the chair of the Ordre professionnel des physiothérapeutes du Québec in office when the integration takes effect, who shall become chair of the administrative committee of the Ordre professionnel de la physiothérapie du Québec;

(2) the counsellor who is the first vice-chair of the administrative committee of the Ordre professionnel des physiothérapeutes du Québec in office when the integration takes effect, shall become vice-chair for physical therapy of the administrative committee of the Ordre professionnel de la physiothérapie du Québec;

(3) the counsellor who is treasurer of the administrative committee of the Ordre professionnel des physiothérapeutes du Québec in office when the integration takes effect;

(4) the director appointed by the Office des professions du Québec under section 78 of the Professional Code who sits on the administrative committee of the Ordre professionnel des physiothérapeutes du Québec in office when the integration takes effect; and

(5) the counsellor, a physical rehabilitation therapist, elected at the first meeting of the Bureau following the date of the integration by the elected directors who hold a physical rehabilitation therapist's permit, who shall become vice-chair for physical rehabilitation therapy of the Ordre professionnel de la physiothérapie du Québec.

**13.** A committee on the professional activities of physical rehabilitation therapists shall be set up within the Order for a period of three years from the date its first meeting is held.

The committee shall consist of five members appointed by the Bureau for a term to be determined by the physical rehabilitation therapists after consultation with the latter.

The committee shall make any recommendation to the Bureau on physical rehabilitation therapists and their professional practice, namely, professional inspection, professional ethics, continuing education and professional development and may advise the Bureau on any matter the latter submits to it.

The committee shall contribute to the harmonization of all the regulations respecting the sector of professional activity involving physical rehabilitation therapists.

The committee shall file a copy of the minutes of its meetings with the secretary of the Order.

**14.** The diplomas giving access to a physical therapist's permit issued by the Ordre professionnel de la physiothérapie du Québec shall be the diplomas determined in section 1.14 of the Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional corporations, made by Order in Council 1139-83 dated 1 June 1983 and any subsequent amendments.

**15.** Until the coming into force of a government regulation made under the first paragraph of section 184 of the Professional Code to first determine any diploma giving access to the physical rehabilitation therapist's permit issued by the Ordre professionnel de la physiothérapie du Québec, the college level diploma issued by the Ministère de l'Éducation following completion of studies in physical rehabilitation techniques at the Collège d'enseignement général et professionnel de Chicoutimi, François-Xavier-Garneau, Marie-Victorin, Montmorency or Sherbrooke shall give access to the permit.

**16.** The Règlement sur les stages et les cours de perfectionnement de l'Ordre des physiothérapeutes du Québec approved by the Office des professions du Québec on 19 November 1997 shall apply to all the members combined, adapted as follows:

(1) the title of the Regulation shall read as follows:

“Règlement sur les stages et les cours de perfectionnement de l'Ordre professionnel de la physiothérapie du Québec”;

(2) the word “membre” shall be substituted for the word “physiothérapeute”; and

(3) in section 1, the words “Ordre professionnel de la physiothérapie du Québec” shall be substituted for the words “Ordre des physiothérapeutes du Québec” and “principes généralement reconnus” for “normes actuelles généralement reconnues”.

The Regulation, adapted as specified above, shall cease to apply on the date of coming into force of a regulation made by the Bureau of the Ordre professionnel de la physiothérapie du Québec under paragraph *j* of section 94 of the Professional Code.

**17.** The Regulation respecting the standards for equivalence of diplomas and training for the issue of a physical therapist's permit, made by Order in Council 1257-96 dated 2 October 1996, shall apply to all the members combined with the following adaptations:

(1) The title of the Regulation shall read as follows:

“Regulation respecting the standards for equivalence of diplomas and training for the issue of a physical therapist's permit or a physical rehabilitation therapist's permit”;

(2) the words “Ordre professionnel de la physiothérapie du Québec” shall be substituted for the words “Ordre professionnel des physiothérapeutes du Québec” in the first paragraph of section 1;

(3) the following shall be substituted for the second paragraph of section 1:

“In this Regulation,

“college diploma equivalence” means the recognition by the Bureau of the Order that a diploma issued by a teaching establishment outside Québec certifies that a person's level of knowledge is equivalent, in terms of the standards provided for in section 6, to the level attained by the holder of a college diploma recognized as meeting the requirements of a physical rehabilitation therapist's permit;

“university diploma equivalence” means the recognition by the Bureau of the Order that a diploma issued by a teaching establishment outside Québec certifies that a person's level of knowledge is equivalent, in terms of the standards provided for in section 6, to the level attained by the holder of a university diploma recognized as meeting the requirements of a physical therapist's permit; and

“training equivalence” means the recognition by the Bureau of the Order that a person's training demonstrates that the person's level of knowledge is equivalent

lent, in terms of the standards provided for in section 8, to the level attained by the holder of a diploma recognized as meeting the requirements of the physical therapist's permit or physical rehabilitation therapist's permit.

(4) the word "university" shall be inserted before the words "diploma equivalence" in section 6;

(5) for the purposes of the recognition of a diploma equivalence giving access to the physical rehabilitation therapist's permit, the following paragraph should be inserted at the end of section 6:

"The holder of a diploma issued by a teaching establishment outside Québec shall be granted a college diploma equivalence if the diploma was issued upon completion of college studies comprising the equivalent of at least 2745 hours of training, of which 2040 shall be broken down as follows:

(1) 465 hours in biology, physiology and pathophysiology;

(2) 405 hours in technical intervention and electrotherapy;

(3) 300 hours in rehabilitation, as follows:  
150 hours in orthopedics and rheumatology;  
60 hours in neurology;  
45 hours in peripheral vascular disorders and respiratory disease;  
45 hours in geriatrics;

(4) 120 hours in clinical approach and patient-practitioner relationship; and

(5) 750 hours in clinical training."; and

(6) the words "that meets the requirements of the physical therapist's permit or physical rehabilitation therapist's permit" shall be inserted after the word "diploma" in section 8.

The Regulation, adapted as specified above, shall cease to apply on the date of coming into force of a regulation made by the Bureau of the Ordre professionnel de la physiothérapie du Québec under paragraph *c* of section 93 of the Professional Code.

**18.** The Règlement sur l'assurance de la responsabilité professionnelle des physiothérapeutes, approved by the Office des professions du Québec on 30 October 1997, shall apply to all the members combined, adapted as follows:

(1) the title of the Regulation shall read as follows:

"Règlement sur l'assurance de la responsabilité professionnelle des membres de l'Ordre professionnel de la physiothérapie du Québec"

(2) wherever they appear, the words "membre" and "membres" shall be substituted for the words "physiothérapeute" and "physiothérapeutes";

(3) in paragraph 8 of section 2 and paragraphs 1 and 8 of Schedule I, the words "Ordre professionnel de la physiothérapie du Québec" shall be substituted for the words "Ordre des physiothérapeutes du Québec"; and

(4) paragraph 7 of section 2 and Schedule I shall apply to undergraduate university studies in physical therapy, if required.

The Regulation, adapted as specified above, shall cease to apply on the date of coming into force of a regulation made by the Bureau of the Ordre professionnel de la physiothérapie du Québec under paragraph *d* of section 93 of the Professional Code.

**19.** The Regulation respecting the conciliation and arbitration procedure for the accounts of members of the Ordre professionnel des physiothérapeutes du Québec, approved by Order in Council 59-94 dated 10 January 1994, shall apply to all the members combined, adapted as follows:

(1) the title of the Regulation shall read as follows:

"Regulation respecting the conciliation and arbitration procedure for the accounts of members of the Ordre professionnel de la physiothérapie du Québec"; and

(2) in section 1 and paragraph 3 of Schedule I, "Ordre professionnel de la physiothérapie du Québec" shall be substituted for "Ordre professionnel des physiothérapeutes du Québec".

The Regulation, adapted as specified above, shall cease to apply on the date of coming into force of a regulation made by the Bureau of the Ordre professionnel de la physiothérapie du Québec under section 88 of the Professional Code.

**20.** The Règlement sur les affaires du Bureau, le comité administratif et les assemblées générales de l'Ordre professionnel des physiothérapeutes du Québec, filed with the Office des professions du Québec on 15 June 2000, shall apply to all the members combined, adapted as follows:

(1) the title of the Regulation shall read as follows:

“Règlement sur les affaires du Bureau, le comité administratif et les assemblées générales de l’Ordre professionnel de la physiothérapie du Québec”;

(2) the following shall be substituted for section 1 :

“Si le président est élu au suffrage universel des membres de l’Ordre, le Bureau est formé de 25 personnes dont le président, 14 physiothérapeutes et 6 thérapeutes en réadaptation physique.

Si le président est élu au suffrage des administrateurs élus, le Bureau est formé de 24 personnes dont le président, 13 physiothérapeutes et 6 thérapeutes en réadaptation physique.”;

(3) in sections 3, 9 and 16, the word “physiothérapeute” shall be inserted after the word “vice-président”;

(4) the following shall be substituted for section 15 :

“Les vice-présidents de l’Ordre assistent le président dans l’exercice de ses fonctions et, en l’absence ou au cas d’incapacité d’agir de ce dernier, le vice-président physiothérapeute exerce les fonctions et pouvoirs du président”;

(5) the following shall be substituted for section 20 :

“Lors de la désignation des membres du comité administratif, les membres élus du Bureau titulaires d’un permis de physiothérapeute élisent parmi eux deux conseillers et choisissent parmi ceux-ci celui qui agira à titre de vice-président physiothérapeute de l’Ordre.

Les membres élus du Bureau titulaires d’un permis de thérapeute en réadaptation physique élisent parmi eux un conseiller. Ce dernier agit à titre de vice-président thérapeute en réadaptation physique de l’Ordre.

Un quatrième conseiller est désigné par vote annuel des membres du Bureau parmi les membres nommés par l’Office des professions du Québec. Ces personnes, avec le président de l’Ordre, forment le comité administratif au sens de l’article 97 du Code des professions.”; and

(6) the following shall be substituted for section 34 :

“Le quorum de l’assemblée générale de l’Ordre est fixé à 50 membres”.

The Regulation, adapted as specified above, shall cease to apply on the date of coming into force of a regulation made by the Bureau of the Ordre professionnel de la

physiothérapie du Québec under paragraphs *a*, *e* or *f* of section 93 and paragraphs *a* and *b* of section 94 of the Professional Code.

**21.** The Règlement sur le comité d’inspection professionnelle de l’Ordre professionnel des physiothérapeutes du Québec approved by the Office des professions du Québec on 18 September 1997 shall apply to all the members combined, adapted as follows :

(1) the title of the Regulation shall read as follows :

”Règlement sur le comité d’inspection professionnelle de l’Ordre professionnel de la physiothérapie du Québec”;

(2) the words “membre” and “membres” shall be substituted for the words “physiothérapeute” and “physiothérapeutes”;

(3) in section 1 and Schedules I and II, the words “Ordre professionnel de la physiothérapie du Québec” shall be substituted for the words “Ordre professionnel des physiothérapeutes du Québec”;

(4) the following shall be substituted for section 2 :

“Le comité d’inspection professionnelle est formé de neuf membres, soit 6 physiothérapeutes et 3 thérapeutes en réadaptation physique. Le Bureau de l’Ordre les choisit parmi les membres qui exercent leur profession depuis au moins cinq ans et qui ne sont ni membres du Bureau ou du comité de discipline ni employés de l’Ordre.

Le comité peut siéger en divisions composées de trois membres, dont le président ou un autre membre du comité désigné par le président comme président de division.”.

(5) in the first paragraph of Schedule I, the words “de physiothérapeute” shall be struck out after the word “profession”.

The Regulation, adapted as specified above, shall cease to apply on the date of coming into force of a regulation made by the Bureau of the Ordre professionnel de la physiothérapie du Québec under section 90 of the Professional Code.

**22.** The Regulation respecting the terms and conditions for the issue of permits by the Ordre professionnel des physiothérapeutes du Québec, approved by Order in council 650-97 dated 13 May 1997, shall apply to all the members combined, adapted as follows :

(1) the title of the Regulation shall read as follows:

“Regulation respecting the terms and conditions for the issue of permits by the Ordre professionnel de la physiothérapie du Québec”;

(2) the following shall be substituted for section 1:

“The Bureau of the Ordre professionnel de la physiothérapie du Québec shall issue a physical therapist’s permit for the practice of the profession to a candidate who

(1) holds a diploma recognized by the Government under the first paragraph of section 184 of the Professional Code (R.S.Q., c. C-26) or a diploma recognized as equivalent by the Bureau under subparagraph g of the first paragraph of section 86 of the Code or has training considered equivalent by the Bureau pursuant to that subparagraph;

(2) has completed a training period in accordance with Division II;

(3) has completed an application for a permit;

(4) has paid any fees or dues required for the issue of the permit; and

(5) has demonstrated a working knowledge of the official language of Québec, in accordance with the provisions of the Charter of the French language (R.S.Q., c. C-11).”;

(3) for the issue of a physical rehabilitation therapist’s permit, the following paragraph shall be added after section 1:

“The Bureau of the Ordre professionnel de la physiothérapie du Québec shall issue a physical rehabilitation therapist’s permit for the practice of the profession to a candidate who holds a diploma giving access to the physical rehabilitation therapist’s permit recognized by the Government under the first paragraph of section 184 of the Professional Code or, until the coming into force of a regulation to first determine any diploma giving access to the permit, a diploma referred to in section 15 of the Schedule to the Decree respecting the integration of physical rehabilitation therapists into the Ordre professionnel des physiothérapeutes du Québec or a diploma recognized as equivalent by the Bureau under subparagraph g of the first paragraph of section 86 of the Code or has training considered equivalent by the Bureau pursuant to that paragraph and who meets the requirements under subparagraphs 3 to 5 of the first paragraph.”; and

(4) Division II of the Regulation shall apply only to candidates applying for a physical therapist’s permit for the practice of the profession.

The Regulation, adapted as specified above, shall cease to apply on the date of coming into force of a regulation made by the Bureau of the Ordre professionnel de la physiothérapie du Québec under paragraph *i* of section 94 of the Professional Code.

**23.** The Code of ethics of physiotherapists (R.R.Q., 1981, c. C-26, r.136) shall apply to all the members combined, adapted as follows:

(1) the title of the Regulation shall read as follows:

“Code of ethics of physical therapists and physical rehabilitation therapists”;

(2) the word “member” shall be substituted for the word “physiotherapist” wherever it appears;

(3) in paragraph *a* of section 1.01, the words “Ordre professionnel de la physiothérapie du Québec” shall be substituted for the words “Ordre professionnel des physiothérapeutes du Québec”;

(4) the following paragraph shall be added at the end of section 3.01.02:

“A member must consult another professional or refer the client to another professional if deemed necessary.”;

(5) the following shall be substituted for section 3.01.08:

“Before treating a client, a physical therapist must evaluate the client’s physical functional performance.

Before treating a client, a physical rehabilitation therapist must have on hand the client’s evaluation by a physical therapist or a medical diagnosis not restricted to the symptoms, that indicate, if applicable, the type of structural disorder and contain a file evidencing the disorder. The physical rehabilitation therapist must also act in accordance with the permit issued.”; and

(6) the following shall be substituted for section 3.01.09:

“A member must, in the practice of his profession, identify himself in accordance with the permit he holds. The member’s name and title must be posted in a conspicuous place on the work premises, or if it is impossible to do so, the member must wear an insignia bearing the member’s name and title.”.

The Regulation, adapted as specified above, shall cease to apply on the date of coming into force of a regulation made by the Bureau of the Ordre professionnel de la physiothérapie du Québec under section 87 of the Professional Code.

**24.** The Regulation respecting advertising by physiotherapists, approved by Order in Council 135-86 dated 19 February 1986, shall apply to all the members combined, adapted as follows:

(1) the title of the Regulation shall read as follows:

“Regulation respecting advertising by physical therapists and physical rehabilitation therapists”;

(2) the word “member” shall be substituted for the word “physiotherapist” wherever it appears;

(3) “Ordre professionnel de la physiothérapie du Québec” shall be substituted for “Ordre professionnel des physiothérapeutes du Québec” in section 1; and

(4) the following shall be substituted for paragraph 1 of section 2:

“his name followed by his title”.

The Regulation, adapted as specified above, shall cease to apply on the date of coming into force of a regulation made by the Bureau of the Ordre professionnel de la physiothérapie du Québec under section 87 of the Professional Code.

**25.** The Règlement sur la tenue des dossiers, des cabinets de consultation, le maintien des équipements et la cessation d’exercice des physiothérapeutes, approved by the Office des professions du Québec on 15 March 2001, shall apply to all the members combined, adapted as follows:

(1) the title of the Regulation shall read as follows:

“Règlement sur la tenue des dossiers, des cabinets de consultation, le maintien des équipements et la cessation d’exercice des membres de l’Ordre professionnel de la physiothérapie du Québec”;

(2) the words “membre” and “membres” shall be substituted for the words “physiothérapeute” and “physiothérapeutes” wherever they appear;

(3) the following shall be substituted for subparagraph 5 of the first paragraph of section 3:

“le diagnostic médical documenté ou l’évaluation du rendement fonctionnel du client faite par un physiothérapeute.”;

(4) the following shall be substituted for section 12:

“Le membre doit mettre à la vue du public, dans l’un des lieux mentionnés à l’article 11, une copie à jour du Code de déontologie des physiothérapeutes et des thérapeutes en réadaptation physique et, s’il y a lieu, une copie à jour du Règlement sur la procédure de conciliation et d’arbitrage des comptes des membres de l’Ordre professionnel de la physiothérapie du Québec. Il doit également inscrire sur chacun de ces règlements l’adresse et le numéro de téléphone de l’Ordre.”; and

(5) the following shall be added at the end of section 20:

“Pour l’application de la présente section, un physiothérapeute peut agir comme cessionnaire ou gardien provisoire à l’égard des dossiers d’un physiothérapeute ou d’un thérapeute en réadaptation et un thérapeute en réadaptation physique peut agir comme cessionnaire ou gardien provisoire à l’égard des dossiers d’un thérapeute en réadaptation physique.”.

The Regulation, adapted as specified above, shall cease to apply on the date of coming into force of a regulation made by the Bureau of the Ordre professionnel de la physiothérapie du Québec under section 91 of the Professional Code.

**26.** The Regulation respecting the committee on training of physiotherapists, made by Order in Council 400-2000 dated 29 March 2000, shall apply to all the members combined, adapted as follows:

(1) the title of the Regulation shall read as follows:

“Regulation respecting the committee on the training of physical therapists and physical rehabilitation therapists”;

(2) the following shall be substituted for section 1:

“A committee on training is hereby established within the Ordre de la physiothérapie du Québec.

The committee shall consist of two divisions, one for the training of physical therapists and the other for the training of physical rehabilitation therapists.”;

(3) the words “college and university levels” shall be substituted for the words “the university level” and the words “physical therapists’ training and physical rehabilitation therapists’ training” and “physical therapist

and physical rehabilitation therapists” shall be substituted for the words “physiotherapists’ training” and “physiotherapist” in section 2;

(4) the following shall be substituted for section 3:

“The committee shall be composed of 10 members chosen on the basis of their knowledge and duties carried out in matters of training as described in section 2.

The Conférence des recteurs et des principaux des universités du Québec shall appoint two members to the division for the training of physical therapists and the Fédération des cégeps shall appoint two members to the division for the training of physical rehabilitation therapists.

The Minister of Education or the Minister’s representative, the Deputy Minister or the Assistant Deputy Minister for Higher Education shall appoint one member and, if need be, a substitute for each division.

The Bureau shall appoint two members of the Order to each division, one of whom shall be chosen by the committee as chair.

The committee may also authorize interested persons or representatives of interested bodies to take part in its meetings.”;

(5) the following shall be substituted for section 9:

“The quorum at committee meetings shall be three members from each division and shall include one member appointed by the Bureau, one by the Conference or the Fédération des cégeps and one by the Minister.”;

(6) the words “or the Fédération des cégeps, as required,” shall be inserted after the word “Conference” in section 11; and

(7) the following shall be inserted after section 13:

“**13.1** Notwithstanding the first paragraph of section 4, for the first division formed for the training of physical rehabilitation therapists after the coming into force of the Order in Council respecting the integration of physical rehabilitation therapists into the Ordre professionnel des physiothérapeutes du Québec, the term of one of the members appointed by the Bureau and of one of the members appointed by the Fédération des cégeps shall be two years.”.

The Regulation, adapted as specified above, shall cease to apply on the date of coming into force of a regulation made by the Government under the second paragraph of section 184 of the Professional Code.

**27.** A person who, on 1 June 2002, was a member of the Société québécoise des thérapeutes en réadaptation physique may obtain a physical rehabilitation therapist’s permit if, before the expiry of the year following the date the integration takes effect, this person completes an application for a physical rehabilitation therapist’s permit in the form prescribed by the Bureau of the Order.

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Gouvernement du Québec

## O.C. 924-2002, 21 August 2002

Professional Code  
(R.S.Q., c. C-26)

### Professional Orders

#### — Diplomas issued by designated teaching establishments which give access to permits or specialist’s certificates

#### — Amendments

Regulation to amend the Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist’s certificates of professional orders

WHEREAS, under the first paragraph of section 184 of the Professional Code (R.S.Q., c. C-26), the Government may, by regulation, after being advised by the Office des professions du Québec in accordance with subparagraph 7 of the third paragraph of section 12 of the Code and of the order concerned, determine the diplomas issued by the educational institutions it indicates which give access to a permit or specialist’s certificate;

WHEREAS, under subparagraph 7 of the third paragraph of section 12 of the Code, the Office must advise the Government after consultation, in particular, with the educational institutions and the order concerned, the Conférence des recteurs et des principaux des universités du Québec in the case of a university-level diploma, the Fédération des cégeps in the case of a college-level diploma and the Minister of Education;

WHEREAS, in accordance with that provision, the Office consulted the Collège de Rosemont, the Ordre des acupuncteurs du Québec, the Fédération des cégeps and the Minister of Education;

WHEREAS, on 24 April 2002, the Office recommended that the Government make the Regulation attached to this Order in Council;

WHEREAS, in accordance with the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation was published in Part 2 of the *Gazette officielle du Québec* of 20 February 2002, with a notice that, in particular, it could be made by the Government upon the expiry of 45 days from the date of its publication and inviting any person having comments to make to send them to the Chair of the Office before the expiry of such 45-day period;

WHEREAS no comments were made to the Chair of the Office following that publication;

WHEREAS it is expedient to make the Regulation;

IT IS ORDERED, therefore, upon the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation to amend the Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders, attached to this Order in Council, be made.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

### **Regulation to amend the Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders\***

Professional Code  
(R.S.Q., c. C-26, s. 184, 1st par.)

**1.** The Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders is amended by inserting the following after section 2.10:

\* The Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders, made by Order in Council 1139-83 dated 1 June 1983 (1983, *G.O.* 2, 2369) to replace the revised regulation (R.R.Q., 1981, c. C-26, r.1), was last amended by the Regulation made by Order in Council 48-2000 dated 19 January 2000 (2000, *G.O.* 2, 660). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2001, updated to 1 March 2002.

**“2.11.** A diploma of college studies awarded by the Minister of Education after 1 January 2003 following the completion of studies in traditional acupuncture or in acupuncture at Collège de Rosemont gives access to the permit issued by the Ordre des acupuncteurs du Québec.”.

**2.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

**O.C. 925-2002, 21 August 2002**

Professional Code  
(R.S.Q., c. C-26)

#### **Medical technologist — Issue of a permit**

Regulation respecting the issue of a permit of medical technologist in cytopathology

WHEREAS, under paragraphs *i* and *m* of section 94 of the Professional Code (R.S.Q., c. C-26), the Bureau of the Ordre des Technologistes médicaux du Québec may, by regulation, determine the other terms and conditions for issuing permits, categories of permits on the basis of the professional activities that the members may engage in or the titles they may use, and the conditions and restrictions to which members must submit;

WHEREAS, under paragraphs *i* and *m* of section 94 of the Code, the Bureau made a Regulation respecting the issue of a permit of medical technologist in cytopathology;

WHEREAS, in accordance with section 95.3 of the Code, a draft Regulation was sent to every member of the professional order at least 30 days before its adoption by the Bureau;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 16 January 2002 with a notice that it could be submitted to the Government for approval upon the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Code, the Office des professions du Québec made its recommendations;



WHEREAS it is expedient to approve the Regulation without amendment;

IT IS ORDERED, therefore, upon the recommendation of the Minister responsible for the administration of legislation respecting the professions :

THAT the Regulation respecting the issue of a permit of medical technologist in cytopathology, attached to this Order in Council, be approved.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

## Regulation respecting the issue of a permit of medical technologist in cytopathology

Professional Code  
(R.S.Q., c. C-26, s. 94, pars. *i* and *m*)

**1.** The category “permit of medical technologist in cytopathology” is hereby established.

**2.** A medical technologist may not engage in the professional activities described in paragraph *q* of section 37 of the Professional Code (R.S.Q., c. C-26) in the field of cytopathology unless he holds a permit of the category referred to in section 1. Notwithstanding the foregoing, any medical technologist may engage in professional activities in that field provided that the acts performed are related to the pre-analytical stage.

**3.** To obtain a permit of medical technologist in cytopathology, a medical technologist shall hold an attestation of college studies in cytotechnology issued by the general and vocational colleges of Sainte-Foy or Rosemont.

**4.** A person who meets the following conditions on the date of coming into force of this Regulation may also obtain a permit of medical technologist in cytopathology :

(1) the person holds a diploma of college studies issued by the ministère de l'Éducation following studies completed at the general and vocational colleges of Dawson, Sainte-Foy or Rosemont, a cytotechnology certificate issued by Université de Montréal, Université Laval or McGill University, or the Canadian cytology certification issued by the Canadian Society for Medical Laboratory Science; and

(2) the person applies for a permit, in the form prescribed by the Bureau of the Ordre professionnel des Technologistes médicaux du Québec, within one year of the date of coming into force of this Regulation.

Such person may only engage in the professional activities described in paragraph *q* of section 37 of the Professional Code in the field of cytopathology, unless they have successfully completed the training periods included in the programs of study leading to diplomas giving access to the permits of the Order.

**5.** The Regulation respecting the other terms and conditions for issuing permits of the Ordre professionnel des Technologistes médicaux du Québec, approved by Order in Council 3049-82 dated 21 December 1982, is revoked.

**6.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

## O.C. 932-2002, 21 August 2002

Supplemental Pension Plans Act  
(R.S.Q., c. R-15.1)

### Hydro-Québec — Pension plan

Approval of Hydro-Québec By-law No. 699 respecting the pension plan

WHEREAS the Supplemental Pension Plans Act (R.S.Q., c. R-15.1) was amended by the Act to amend the Supplemental Pension Plans Act and other legislative provisions (2000, c. 41) on 1 January 2001 ;

WHEREAS, under section 318.1 of the Act, the amendments needed to bring the provisions of a pension plan that is in force on 31 December 2000 into conformity with the Act must be presented to the Régie des rentes du Québec for registration within 12 months after 31 December 2000 or within such additional time as the Régie may grant ;

WHEREAS amendments registered under that provision have effect from 1 January 2001 ;

WHEREAS, to bring the amendments into conformity with the Act, Hydro-Québec passed Hydro-Québec By-law No. 699 respecting the pension plan on 14 June 2002 which replaces Hydro-Québec By-law No. 681 respecting the pension plan under section 49 of the Hydro-Québec Act (R.S.Q., c. H-5) ;

WHEREAS, under section 55 of the Hydro-Québec Act, every by-law respecting the pension plan shall not come into force until approved by the Government;

WHEREAS, under paragraph 1 of section 3 of the Regulations Act (R.S.Q., c. R-18.1), the Act does not apply to Hydro-Québec By-law No. 699 respecting the pension plan;

WHEREAS it is expedient to approve the Regulation;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Natural Resources and the Minister for Energy:

THAT Hydro-Québec By-law No. 699 respecting the pension plan, attached to this Order in Council, be approved.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

## **By-law No. 699 Hydro-Québec pension plan**

(Effective Date: January 1, 2001)

### HYDRO-QUÉBEC PENSION PLAN

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## HYDRO-QUÉBEC PENSION PLAN

**PART I****GENERAL PROVISIONS**

In this By-law, unless the context indicates otherwise, terms written in the masculine gender include the feminine and shall mean:

**SECTION 1**  
**DEFINITIONS**

1.1 “Actuarial equivalence”: determination by the actuary of an amount which is equivalent in value to another amount, based on actuarial assumptions prescribed by applicable laws and regulations and on generally accepted actuarial principles; (1.16)

1.2 “Actuary”: a person qualified to fulfil this function in accordance with the Supplemental Pension Plans Act; (1.2)

1.2A) “Adjusted earnings”: the member’s earnings expressed as a weekly amount to which is added, if applicable, the earnings which correspond to the weekly earnings rate, expressed as a weekly amount, shown on the employer’s payroll during a temporary leave of absence that the member redeems as a year of contributory service;

Adjusted earnings shall also include, if applicable, the total or partial difference, expressed as a weekly amount, between the earnings rate shown on the employer’s payroll before and after the reduction in workweek, for which the employer has contributed, for:

i. the member at January 1, 1997 that has continued to be a member since such date; and

ii. the person that, had it not been for his termination of employment, would have been eligible to contribute at January 1, 1997 and is entitled to recall rights at such date; [ 1.40A)]

1.3 “Basic exemption”: Basic exemption established for the year in question under the Act respecting the Québec Pension Plan; (1.17)

1.3A) “Beneficiary”: Any person (spouse or dependent children) receiving pension benefits under the plan;

1.4 “By-law No. 83”: By-law No. 83 in respect of the Hydro-Québec Pension Plan, as amended by By-laws nos. 106, 119, 123, 258, 259, 260 and 265; (1.35)

1.5 “By-law No. 278”: By-law No. 278 in respect of the Hydro-Québec Pension Plan, as amended by By-laws nos. 362, 416 and 447; (1.36)

1.6 “By-law No. 534”: By-law No. 534 in respect of the Hydro-Québec Pension Plan; (1.37)

1.6A) “By-law No. 582”: By-law No. 582 in respect of the Hydro-Québec Pension Plan; [ 1.37A)]

1.6B) “By-law No. 653”: By-law No. 653 in respect of the Hydro-Québec Pension Plan; [ 1.37B)]

1.6C) “By-law No. 676”: By-law No. 676 in respect of the Hydro-Québec Pension Plan; [ 1.37C)]

1.6D) “By-law No. 679”: By-law No. 679 in respect of the Hydro-Québec Pension Plan; [ 1.37D)]

1.6E) “By-law No. 681”: By-law No. 681 in respect of the Hydro-Québec Pension Plan; [ 1.37E)]

1.7 “Child”: a child of a member, a former member or a pensioner, whatever the relationship, who meets one of the following conditions:

(a) is under 18 years of age;

(b) is between 18 and 25 years of age, and is a full-time student at an educational institution;

(c) regardless of his age, became mentally or physically disabled before reaching his 18th birthday, and has remained totally disabled ever since;

(d) regardless of his age, became mentally or physically disabled between 18 and 25 years of age, while a full-time student at an educational institution, and has remained totally disabled ever since; (1.15)

1.8 “Committee”: the Hydro-Québec Pension Committee; (1.11)

1.9 “Compensation”: earnings plus any additional payments, including bonuses, premiums, lump sum amounts, overtime pay, allowances of any type excluding the reimbursement of expenses, and any other similar payments; (1.38)

1.10 “Consumer price index for the year”: the arithmetical average, for the 12-month period ending October 31 for the year in question, of the monthly consumer price indices for all goods in Canada, as published by Statistics Canada; (1.19)

1.11 “Defined benefit limit”: the greater of the following amounts:

(a) \$ 1,722.22;

(b) one ninth of the money purchase limit for the year in question as defined by the Income Tax Act; (1.32)

1.12 “Earnings”: the member’s basic hourly, daily, weekly, monthly or annual pay, which is stated on the employer’s payroll, with the exception of any additional payments, such as bonuses, premiums, benefits, lump sum amounts, gratuities, allowances of any type, overtime pay or any other similar payments.

Notwithstanding the foregoing, for a member concerned, earnings include any lump sum payment made under the Incentive Plan of the company when only this plan is applicable. For any other member concerned, earnings include any lump sum payment resulting from performance and provided for under a Hydro-Québec program or plan (including the Incentive Plan of the company, if applicable), the amount of such lump sum payment being limited to 2/ 3 of the maximum provided for under such Hydro-Québec program or plan (including the Incentive Plan of the company, if applicable). This lump sum payment may not exceed 20% of basic earnings.

Concerning members employed by a subsidiary bound by a plan membership agreement as described under Section 29 and members loaned to a subsidiary or outside organization, any lump sum payment resulting from performance and provided for under a program or plan of the subsidiary or outside organization is included in earnings to a maximum not exceeding accepted lump sum payment amounts payable to members from the employment group to which the member belonged at Hydro-Québec before his loan to a subsidiary or outside organisation.

Any portion of the member’s earnings received during a year and which represents a retroactive payment of earnings for a previous year, as well as, for a member concerned, any lump sum payment identified before and received during a year, but for a previous year, shall be deducted from the earnings in the year of payment and added to the earnings for the year for which the payment is made; (1.40)

1.13 “Employee”: any person working for Hydro-Québec or one of its subsidiaries, and bound by a plan membership agreement as described under Section 29, as a trainee or as a permanent or temporary employee and who is shown on the employer’s payroll, with the exception of any person governed by the Construction decree, R.R.Q. 1987, c. R-20, r.5.1; (1.13)

1.14 “Employer”: Hydro-Québec located at 75 René-Lévesque Blvd. West, Montréal, Québec H2Z 1A4, or Hydro-Québec International, located at 75 René-Lévesque Blvd. West, Montréal, Québec H2Z 1A4, and any subsidiary bound by a plan membership agreement as described under Section 29; (1.14)

1.15 “Five-year average earnings”: the member’s average adjusted earnings, expressed as an annual amount, for the five years of contributory service for which the adjusted earnings were the greatest, or, if the member has less than five years of contributory service, for his actual years of contributory service. If one or more fractions of years of contributory service are taken into account, the complementary fraction and corresponding adjusted earnings are determined on the basis of the years in which the adjusted earnings, expressed as an annual amount, were the greatest. The years of contributory service recognized pursuant to a transfer agreement and the related earnings are not taken into account for the purposes of establishing the five-year average earnings; (1.41)

1.16 “Former member”: a former employee, who is not a pensioner, but is entitled to benefits under By-law No. 83, By-law No. 278, By-law No. 534, By-law No. 582, By-law No. 653, By-law No. 676, By-law No. 679, By-law No. 681 or the plan; (1.3)

1.17 “Hydro-Québec Act”: the Hydro-Québec Act, R.S.Q., c. H-5; (1.25)

1.18 “Income Tax Act”: the Income Tax Act, S.C.1985 (5th suppl.) c.1 and any amendments made thereto; (1.24)

1.19 “Interest”: simple interest at the rate of 4% per annum for the period of January 1, 1966 to December 31, 1979, interest at the rate of 7.5% compounded annually between January 1, 1980 and December 31, 1989, for each year from January 1, 1990 at the rate obtained monthly on personal five-year term deposits for chartered banks as reported by the Bank of Canada and for each year from January 1, 2001 at the return rate obtained by the pension fund; (1.21)

1.20 “Member”: an employee who is eligible to contribute to the plan or an employee who has postponed his

retirement or a person who is entitled to recall rights following his termination of employment and to whom the provisions in 7.5 apply; (1.30)

1.20A) “Member concerned”: a member who is a management employee, a non-unionized employee, an engineer who is a member of the Syndicat professionnel des ingénieurs d’Hydro-Québec or, beginning at the effective date provided for in the agreement, a unionized employee whose union has signed an agreement in principle with Hydro-Québec on the application of the special provisions of the plan for members concerned which has been ratified by the members of the union.

Shall also be considered a member concerned, at the effective date of this By-law, an employee for whom an application for union certification is pending at the effective date of this By-law and who is not excluded by such application; (1.30A)

1.21 “Old Age Security Act”: the Old Age Security Act, R.S.C., 1985, c. O-9; (1.23)

1.22 “Pay period”: a period of time, or a fraction thereof, as determined by the employer’s payroll system; (1.31)

1.23 “Pension index”: the ratio expressed as a percentage of the consumer price index for the year, to that of the previous year; (1.20)

1.24 “Pensioner”: a former employee who receives pension benefits under By-law No. 83, By-law No. 278, By-law No. 534, By-law No. 582, By-law No. 653, By-law No. 676, By-law No. 679, By-law No. 681 or the plan. Any employee who receives his total pension benefit after the normal retirement date while remaining in the service of the employer is considered a pensioner; (1.39)

1.24A) “Pension plan rate of return”: The rate of return, less expenses, obtained by the plan during a given period and calculated on the basis of the fair market value of assets, as determined by the actuary;

1.25 “Physician”: a physician authorized to practice medicine by the applicable legislation; (1.29)

1.26 “Plan”: all the provisions of the present By-law and any amendments made thereto; the plan is designated as the Hydro-Québec Pension Plan; (1.33)

1.27 “Present value”: the value of a benefit as established at a given date on an actuarial equivalence basis; (1.43)

1.28 “Act respecting the Québec Pension Plan”: the Act respecting the Québec Pension Plan, R.S.Q., c. R-9; (1.27)

1.28A) “Rate of return”: the rate of return net of all expenses earned by the pension fund during the period in question and calculated according to the fair market value of assets, as established by the actuary; [ (1.42A)]

1.28B) “Reduction in workweek”: the decrease in the average full-time workweek as a result of measures to reduce total compensation, as applied to a member effective January 1, 1997, with the exception of any decrease in the average workweek granted at the employee’s request; [ 1.32A)]

1.29 “Spouse”: any person who:

(a) is married to a member, a former member, or a pensioner. However, subject to the provisions of 6.2.5 c and 6.3.3 b, a member, a former member or a pensioner’s judicially separated spouse, on the day as of which spousal status is established, is not eligible to any benefits under the plan;

(b) has been living in a conjugal relationship with an unmarried member, an unmarried former member, or an unmarried pensioner, whether the person is of the opposite sex or of the same sex, for a period of not less than three years, or for a period of not less than one year, if one of the following conditions is met:

— a child has been conceived from the relationship;

— they have jointly adopted at least one child while living together in a conjugal relationship;

— one of them has adopted at least one child who is the child of the other during this period.

The birth or adoption of a child during a marriage or a period of conjugal relationship prior to the period of conjugal relationship existing on the day of which spousal status is established may qualify a person as a spouse; (1.12)

1.30 “Subsidiary”: a company of which Hydro-Québec owns a minimum of 90% of the shares, including, for the purposes of this plan, any electricity cooperative of which Hydro-Québec has acquired the assets; (1.18)

1.31 “Supplemental Pension Plans Act”: the Supplemental Pension Plans Act, R.S.Q., c. R-15.1; (1.26)

1.32 “Supplemental plan”: any pension plan of a subsidiary in which the member, former member or pensioner has participated; (1.34)

1.33 “Temporary leave of absence”: any absence from employment authorized by the employer; (1.1)

1.34 “Termination of employment”: any interruption in the years of continuous service not due to retirement or death; (1.10)

1.35 “Three-year average earnings”: the member’s average adjusted earnings, expressed as an annual amount, for the three years of contributory service for which the adjusted earnings were the greatest, or, if the member has less than three years of contributory service, for his actual years of contributory service. If one or more fractions of years of contributory service are taken into account, the complementary fraction and corresponding adjusted earnings are determined on the basis of the years in which the adjusted earnings, expressed as an annual amount, were the greatest. The years of contributory service recognized pursuant to a transfer agreement and the related earnings are not taken into account for the purposes of establishing the three-year average earnings; (1.42)

1.36 “Total and permanent disability”: any physical or mental disability certified in writing by a physician, preventing a member from occupying a position for which he is reasonably qualified by his education, training or experience, and which continues until his death; (1.22)

1.37 “Year”: calendar year; (1.4)

1.38 “Year of allowable service”: a year during which the member participated in a pension plan of a company with which a transfer agreement was signed, which is not a year of contributory service for the purposes of the plan and which is recognized for the sole purpose of establishing the entitlement to a retirement benefit, any fraction of year being considered proportionately; (1.5)

1.39 “Year of certified service”: a year during which the member has participated in a supplemental plan, any fraction of year being considered proportionately; (1.7)

1.40 “Year of contributory service”: a year during which the member contributed to the Hydro-Québec Pension Fund, or a year recognized as such pursuant to the plan or to a transfer agreement, or a year during which the member is entitled to a partial or total reduction of his contribution pursuant to the provisions of 3.4A), any fraction of year being considered proportionately; (1.6)

1.41 “Year’s maximum pensionable earnings”: the maximum earnings recognized for the year in question under the Act respecting the Québec Pension Plan; (1.28)

1.42 “Years of continuous service”: the total number of years during which a person has remained without interruption in the employ of the employer, a subsidiary, or who has fulfilled a function with one of the preceding, or has had no interruption of employment in a company with which a transfer agreement has been signed, but including any temporary leave of absence and the 24-month period provided for in 7.5, any fraction of year, being considered proportionately; (1.8)

1.43 “Years of credited service”: the total number of years of contributory service, years of certified service, and years of allowable service. (1.9)

Note: The numbers in parentheses correspond to the definitions of the French version.

## SECTION 2 MEMBERSHIP

2.1 Any employee who, as at December 31, 2000, was participating in the Hydro-Québec Pension Plan under By-law No. 681, shall participate in the plan as of January 1, 2001.

2.2 Any person hired after December 31, 2000 as a trainee or as a permanent employee shall participate in the plan as of the date he begins his employment, if he is under 65 years of age at the time.

2.3 As of June 1, 1990, any temporary employee, with the exception of any person governed by the Construction decree, R.R.Q. 1987, c. R-20, r.5.1, shall participate in the plan if, in the year preceding the one during which he joins the plan, he received from the employer compensation at least equal to 35% of the year’s maximum pensionable earnings, as established for the said year, or has been in the employment of the employer for a minimum of 700 hours and if, at the time his membership begins, he has not reached the age of 65.

2.4 Any person working for a subsidiary as an employee shall participate in the plan as of the date provided for in the plan membership agreement concluded under Section 29, if he is under 65 years of age at the time and subject to the provisions set out in 2.3 in respect of temporary employees.

### SECTION 3 CONTRIBUTIONS

#### 3.1 Employee contributions :

(a) At each pay period, a member contributes, through payroll deduction, an amount equal to the sum of :

- i. 6.3% of the earnings up to the basic exemption ;
- ii. 4.5% of that portion of earnings between the basic exemption and the year's maximum pensionable earnings ;
- iii. 6.3% of that portion of earnings above the year's maximum pensionable earnings.

(b) A member who receives earnings during temporary leave of absence shall continue to make contributions.

(c) A member shall cease to make contributions on the last day of the month during which he attains age 65.

#### 3.2 Employer contributions

For each member contributing to the plan, the employer shall pay, before the 15th day following the end of each pay period, a contribution equal to the sum of :

- (a) 11.34% of the earnings up to the basic exemption ;
- (b) 9.54% of that portion of earnings between the basic exemption and the year's maximum pensionable earnings ;
- (c) 11.34% of that portion of earnings above the year's maximum pensionable earnings.

#### 3.3 Adjustment of contributions

(a) The contributions provided for in 3.1 and 3.2 above are adjusted in accordance with the actuarial valuation report prepared by the actuary and filed with the Régie des rentes du Québec. This report sets out recommendations to Hydro-Québec as to the percentages for employee and employer contributions, in such a way that at the date of the actuarial valuation, the percentage of employer contributions when applied to the total of the earnings of the contributing members represents 180% of the percentage of the employee contributions on the members' total earnings. The percentage of employee and employer contributions thus obtained is reduced by 1.8 percentage point for that portion of earnings between the basic exemption and the year's maximum pensionable earnings. However, for the purpose of determining

the percentage of employee contributions and the percentage of employer contributions according to the 100% 180% ratio stipulated above, the said 1.8 percentage point reduction is not taken into account.

(b) The percentages of employee contributions and the percentages of employer contributions determined according to a above are reduced, where applicable, by the utilization of any surplus in respect of part I of the plan as shown in the report mentioned in a above.

(c) Following the adjustments as set out in a and b above, the resulting percentages of employee and employer contributions shall not exceed those set out in 3.1 and 3.2, nor be less than :

#### i. Employee contributions :

- (1) 5.82% of the earnings up to the basic exemption ;
- (2) 4.02% of that portion of earnings between the basic exemption and the year's maximum pensionable earnings ;
- (3) 5.82% of that portion of earnings above the year's maximum pensionable earnings.

#### ii. Employer contributions :

- (1) 10.48% of the earnings up to the basic exemption ;
- (2) 8.68% of that portion of earnings between the basic exemption and the year's maximum pensionable earnings ;
- (3) 10.48% of that portion of earnings above the year's maximum pensionable earnings.

iii. notwithstanding the foregoing, from January 1, 1997 to December 31, 2000 :

#### Employer contributions :

- (1) 5.82% of the earnings up to the basic exemption ;
- (2) 4.02% of that portion of earnings between the basic exemption and the year's maximum pensionable earnings ;
- (3) 5.82% of that portion of earnings above the year's maximum pensionable earnings.

(d) The percentages of employee and employer contributions resulting from the application of 3.3 shall be applied during the period set out in the report mentioned in a above. However, the percentages of contributions

provided for in 3.1 and 3.2 shall apply for the period between the end of the period covered by an actuarial valuation report and the date on which a new actuarial valuation report is filed with the Régie des rentes du Québec.

(e) An overpayment of contributions resulting from the adjustments provided for in 3.3 shall be returned to the members and the employer in the form of a contribution holiday according to terms and conditions determined by Hydro-Québec and subject to the Supplemental Pension Plans Act and any regulations adopted pursuant to this Act. In the event that a contribution holiday cannot be granted, such as in the case of a termination of employment, a death entitling the spouse or children to a survivor pension, where applicable, an unpaid temporary leave or a retirement, or in the event that the member has ceased to contribute to the plan, the overpayment of employee contributions shall be reimbursed with interest unless they are included in the excess contributions.

(f) If, following the adjustments provided for in 3.3, the contributions made are insufficient, the difference between the contributions made and the contributions payable shall be paid by the contributing members and the employer. The payment thereof, with interest, shall be according to the terms and conditions determined by Hydro-Québec and pursuant to the Supplemental Pension Plans Act and any regulations adopted pursuant to this Act. In the event that no earnings are paid, such as in the case of a termination of employment, a death entitling the spouse or children to a survivor pension, an unpaid temporary leave or a retirement, or in the event that the member has ceased to contribute to the plan, the difference shall be returned to the pension fund with interest.

### 3.4 Equalization contributions

The employer shall make up any unfunded actuarial liability of the plan through one or more payments, the terms and conditions of which shall be determined by the employer, in accordance with the provisions then in force of the Hydro-Québec Act and the Supplemental Pension Plans Act.

The employer shall also pay any amount required to ensure the solvency of the plan pursuant to the provisions of the Supplemental Pension Plans Act.

Any technical actuarial deficiency resulting from the experience of the plan in relation to the improvements made to Part I of the plan after December 31, 1985 shall be made up through special contributions shared by the employer and the contributing members, with the employer's share being equal to 180% of the member's

share, provided, however, that the percentages of employee contributions, as increased by this special contribution and expressed as percentages of earnings, does not exceed the percentages set out in 3.1.

#### 3.4A) Adjustment of contributions for members concerned

(a) Notwithstanding the foregoing, the employee contributions of members concerned and employer contributions made on their behalf shall be suspended until the effective date of an actuarial valuation report for the plan filed with the Régie des rentes du Québec and which shows a funding rate of less than 110%.

(b) The plan's actuarial valuation report filed with the Régie des rentes du Québec showing a funding rate of less than 110% specifies the rate of employee contributions for members concerned and the rate of employer contributions made on their behalf in effect until a new actuarial valuation report for the plan is filed with the Régie des rentes du Québec. Employee contributions cannot be increased by more than 1% of earnings per year and employer contributions are equal to 180% of employee contributions, until they respectively reach the employee contributions set out in accordance with 3.1.

(c) The filing with the Régie des rentes du Québec of an actuarial valuation report of the plan showing a funding rate which is equal to or more than 110% will, on the effective date of the actuarial valuation report, result in the suspension of employee contributions for members concerned and employer contributions on their behalf.

(d) The plan's actuarial valuation report filed with the Régie des rentes du Québec also specifies the employer contributions required to cover the current service cost for members concerned taking into account employee contributions and employer contributions resulting from the application of 3.4A)b, the funding surplus and the excess employer contributions.

(e) Employer contributions made in accordance with 3.4A)d that exceed those resulting from the application of 3.4A)b are deemed to be excess employer contributions made and are recorded and credited using the pension fund's rate of return. Any equalization contribution made in accordance with 3.4 for members concerned shall be considered an excess employer contribution. The plan's actuarial valuation report filed with the Régie des rentes du Québec indicates the excess employer contributions.

Excess employer contributions shall be remitted in priority to the employer as soon as a sufficient funding surplus is declared. This rebate shall take the form of a



reduction in the employer contribution. The plan's actuarial valuation report filed with the Régie des rentes du Québec indicates the reduction in employer contributions.

### 3.5 Excess contributions

(a) Excess contributions are equal to employee contributions provided for in 3.1, 3.3 and 3.4A), contributions with respect to the redemption of years of contributory service in accordance with Sections 3, 10 and 11 and contributions pursuant to a transfer agreement paid by the member for the years of contributory service after December 31, 1989, accrued with interest, in excess of 50% of the present value of the benefits provided for in Part I of the plan and resulting from the years of contributory service after December 31, 1989, excluding the additional benefit provided for in 13.6.

(b) Excess contributions are calculated at the date of termination of employment, death or retirement of the member, whichever comes first.

### 3.6 Contributions for periods of temporary leave of absence or reduction in workweek

(a) A member who receives compensation from the employer during a temporary leave of absence due to maternity shall continue to make contributions. These shall be calculated on the earnings rate shown on the employer's payroll during the temporary leave of absence.

(b) i. A member who receives an indemnity from the employer during a temporary leave of absence resulting from a preventive leave under the Act Respecting Occupational Health and Safety, R.S.Q., c. S-2.1, or an occupational accident under the Act Respecting Industrial Accidents and Occupational Diseases, R.S.Q., c. A-3.001, shall continue to make contributions. These shall be calculated on the basis of the earnings rate shown on the employer's payroll during the temporary leave of absence.

ii. However, when the indemnity provided for above is paid by the "Commission de la santé et de la sécurité du travail", the member shall, after December 31, 1989, have the option of continuing to make his contributions. For the purposes of this paragraph, his contributions shall be calculated on the basis of his earnings rate shown on the employer's payroll during the temporary leave of absence.

(c) A member who receives payments under a supplementary earnings security plan of the employer shall continue to make contributions based on such payments. Contributions shall be calculated on the basis of these payments even though they may be reduced by pay-

ments from a government plan. Benefits shall be calculated, where applicable, on the basis of such earnings.

(d) Subject to the provisions of Section 10, and to the following, no contributions shall be payable during periods of temporary leave of absence without pay, and such periods shall not be considered in the calculation of benefits under the plan. However;

i. from January 1, 1997 to December 31, 2000 and from January 1, 1997 to December 31, 2003 for a member concerned:

(1) during any temporary leave of absence without pay under an unpaid leave plan, the member may, for each pay period, make contributions calculated on the basis of the earnings rate shown on the employer's payroll during the temporary leave of absence. Such contributions shall correspond to the current service cost applicable to the pay period in question, expressed as a percentage, as determined in the actuarial valuation report prepared by the actuary and filed with the Régie des rentes du Québec;

(2) during any temporary leave of absence without pay under a deferred salary leave plan, the member may, for each pay period, make contributions calculated on the basis of the earnings rate shown on the employer's payroll during the temporary leave of absence. Such contributions shall be equal to the sum of the employee contributions and the employer contributions applicable to the pay period in question;

(3) during any period of temporary leave of absence partially compensated under an equally distributed remuneration plan, the member may, for each pay period, make contributions calculated on the basis of the difference between the earnings rate, expressed as a weekly amount, shown on the employer's payroll during the temporary leave of absence and the weekly earnings paid during the periods in question. Such contributions shall be equal to the sum of the employee contributions and the employer contributions applicable to the pay period in question;

(4) during any period of temporary leave of absence without pay under a job sharing arrangement, the member may, for each pay period, make contributions calculated on the basis of the earnings rate shown on the employer's payroll during the temporary leave of absence. Such contributions shall be equal to the sum of the employee contributions and the employer contributions applicable to the pay period in question;

(5) during any temporary leave of absence without pay under a tutorial plan, the member may, for each pay period, make his employee contributions as applicable

to the pay period in question and calculated on the basis of the earnings rate shown on the employer's payroll during the temporary leave of absence;

ii. effective January 1, 1997:

(1) during any temporary leave of absence without pay resulting from a voluntary reduction in the workweek from 33.5 hours to 32 hours, approved by the employer, the member may, for each pay period, make contributions calculated on the basis of the earnings rate shown on the employer's payroll in effect during the temporary leave of absence and equal to the sum of the employee contributions and the employer contributions for the one hour and one half per week which corresponds to the difference between the actual schedule and the normal full-time schedule. However, if the sum of the hours paid and redeemed is less than 32, the one hour and one half shall be reduced by the proportion of the number of these hours on 32.

A member may exercise this option on the first pay period of the year, with this choice being valid for the entire year, unless his schedule changes during the year;

(2) during any temporary leave of absence without pay under a parental benefits plan, the member may, for each pay period, make his employee contributions calculated on the basis of the earnings rate shown on the employer's payroll during the temporary leave of absence.

iii. an absence due the strike which occurred between May 5, 1999 and September 27, 1999 inclusively, including periods of absence owing to administrative and disciplinary measures subject, with respect to the recognition of these periods, to any applicable arbitration decision, is considered, for the purposes herein, as a temporary leave of absence without pay during which the member made, for each pay period, his employee contributions applicable to the pay period in question and calculated on the basis of the earnings rate shown on the employer's payroll during the temporary leave of absence.

(e) Effective January 1, 1997, the employer shall make, within the period set out in 3.2 above, for the member at January 1, 1997 or for the person referred to in 1.2A)(ii) who has had his earnings reduced as a result of a reduction in workweek, contributions equal to the sum of the employee contributions and the employer contributions calculated on the basis of the difference between the earnings rate, expressed as a weekly amount, before the reduction in workweek and the earnings rate, expressed as a weekly amount, after said reduction in workweek. Such contributions shall cease as soon as the earnings rate, expressed as a weekly rate, is once again equal to the rate in effect before the reduction in

workweek. Such contributions do not increase the number of years of contributory service and serve solely for the purposes of calculating benefits.

(f) The payment of the full amount of the contributions pursuant to *e* above is subject to the payment, by the member, of the contributions provided for in *b(ii)* and *d* above or to the redemption of the years of contributory service as provided for in Section 10. Where applicable, the employer only makes contributions in proportion to the contributions made by the member. However, the employer shall pay the full amount of such contributions if the member's only non-contributory leave of absence is the one provided for in *d(ii)(1)* above.

(g) A member who avails himself of the provisions set out in *b(ii)* and *d* above, shall have the total or part of his temporary leave of absence counted as a year of contributory service.

When a member has all or part of his temporary leave of absence counted as a year of contributory service, the years of contributory service so recognized shall be presumed to be those closest to his return to work.

The provisions regarding the payment of the contributions provided for in *b(ii)*, *d(i)* and *d(ii)(2)* above are set out in Section 10.

A member who avails himself of the provisions set out in *b(ii)* and *d* above and in Section 10 cannot have adjusted earnings nor a contribution period which is greater than those obtained had he not taken the temporary leaves of absence.

Contributions made in accordance with 3.6 shall be deemed as employee contributions, with the exception of those resulting from *e* and *f* above, which shall be deemed as employer contributions.

3.7 If, during a year, the member receives a retroactive payment of earnings for a previous year, such member shall pay a contribution equal to the difference between the employee contribution based on the contribution rate in effect for the said year and applied to the earnings increased by the retroactive payment and the employee contribution actually paid during the appropriate previous year.

3.8 For the purposes of this Section only, the earnings used to determine contributions shall be limited to the sum of the following amounts:

(a) the defined benefit limit for the year;

(b) the year's maximum pensionable earnings multiplied by the rate stipulated in 4.3c,

the whole divided by the rate provided for in 4.1*d*.

3.9 All contributions paid under this Section shall be subject to the Income Tax Act and to any regulations adopted by the Government of Canada pursuant to this Act.

#### SECTION 4 CALCULATION OF PENSION

4.1 The annual retirement benefit is equal to the sum of the following :

(a) 2% of the five-year average earnings multiplied by the number of years of contributory service prior to January 1, 1966;

(b) 2.25% of the five-year average earnings multiplied by the number of years of contributory service after December 31, 1965 and prior to January 1, 1990;

(c) 2.25% of the five-year average earnings multiplied by the number of years of contributory service after December 31, 1989 and prior to January 1, 1992;

(d) 2% of the five-year average earnings, reduced by the positive difference between :

i. 0.7% of the five-year average earnings, up to the average of the year's maximum pensionable earnings for the five years preceding the date of termination of employment, death, retirement or normal retirement if the member takes a postponed retirement; and

ii. 0.25% of the five-year average earnings;

multiplied by the number of years of contributory service after December 31, 1991.

4.1A) The bridging benefit ending on the 1st day of the month immediately following the 65th birthday shall be equal to the greater of the following :

(a) 0.7% of the five-year average earnings, up to the average of the year's maximum pensionable earnings for the five years preceding the date of termination of employment, death, retirement or normal retirement if the member takes a postponed retirement, multiplied by the number of years of contributory service after December 31, 1991; and

(b) 0.25% of the five-year average earnings, multiplied by the number of years of contributory service after December 31, 1991.

4.2 The annual pension calculated in 4.1a and 4.1b above and increased, where applicable, by retirement

benefits payable under 5.2c shall not exceed, prior to indexing as provided for in Section 13, 80% of the five-year average earnings.

However, for the calculation of this maximum, the additional pension provided for in 4.4 and the adjustment provided for in 5.5c(ii) shall not be taken into account.

4.3 Beginning on the 1st day of the month immediately following the 65th birthday, the retirement benefit provided for in 4.1 and 4.2 shall be reduced by the sum of the following :

(a) 0.7% of the five-year average earnings, up to the average of the year's maximum pensionable earnings for the five years preceding the date of termination of employment, death, retirement or normal retirement if the member takes a postponed retirement, multiplied by the number of years of contributory service after December 31, 1965 and prior to January 1, 1990;

(b) 0.7% of the five-year average earnings, up to the average of the year's maximum pensionable earnings for the five years preceding the date of termination of employment, death, retirement or normal retirement if the member takes a postponed retirement, multiplied by the number of years of contributory service after December 31, 1989 and prior to January 1, 1992;

4.4 (a) An additional retirement benefit calculated, upon retirement, from excess contributions as established in 3.5, if any, accrued with interest from the calculation date provided for in 3.5b to the date on which they are used to provide a pension determined on an actuarial equivalence basis shall be added, where applicable, to the retirement benefit calculated in Section 4.

(b) An additional retirement benefit, as established in 13.6, shall be added, where applicable, to the retirement benefit calculated in Section 4.

4.5 Notwithstanding any provisions to the contrary, if the pension calculated in accordance with 4.1, 4.1A), 4.2, and 4.3 results in the present value of the pension for years of contributory service after December 31, 1991 and prior to January 1, 1999, being lower than the present value of such pension calculated as if the provisions of 4.1d were replaced by the provisions of a below, the provisions of b below were added to the provisions of 4.3 and the provisions of 4.1A) were not applied :

(a) 2% of the three-year average earnings, multiplied by the number of years of contributory service after December 31, 1991 and prior to January 1, 1999;

(b) 0.3% of the three-year average earnings, up to the average of the year's maximum pensionable earnings for the three years preceding the date of termination of employment, death, retirement or normal retirement if the member takes a postponed retirement, multiplied by the number of years of contributory service after December 31, 1991 and prior to January 1, 1999,

the pension calculated in 4.1*d* is replaced with the pension calculated in *a* above, the pension calculated in *b* above is added to the pension calculated in 4.3 and the provisions of 4.1A) were not applied.

4.6 To the pension calculated in 4.1, 4.1A), 4.2, 4.3 and 4.5 for a member concerned is added an additional bridging benefit equal to 0.2% of the five-year average earnings, up to the average of the year's maximum pensionable earnings for the five years preceding the date of termination of employment, death, retirement or normal retirement if the member takes a postponed retirement, multiplied by the number of years of contributory service before January 1, 2004. This bridging benefit is reviewed in accordance with Section 13 and ends on the 1st day of the month immediately following the 65th birthday.

## SECTION 5 RETIREMENT

### 5.1 Normal retirement

(a) The normal retirement date is the 1 day of the month immediately following the 65th birthday.

(b) A member who retires on the normal retirement date shall receive a retirement benefit pursuant to Section 4 and, where applicable, to Section 14.

### 5.2 Voluntary retirement

(a) Any member who has at least 15 years of credited service may retire on the 1st day of any month following his 60th birthday. However, a female member who was working on December 31, 1979, and who, on that date, was a member of the plan in accordance with By-law No. 83 may, once she has at least 10 years of credited service, retire on the 1st day of any month following her 60th birthday.

In addition, any member who has at least 15 years of credited service may retire on the 1st day of any month following his 55th birthday, if:

i. the sum of the member's age and years of credited service equals at least 85; or

ii. the sum of the member's age and years of continuous service as of the date he began working, as recognized by Hydro-Québec for the purposes of the plan, equals at least 85, excluding however any period of non-membership in the plan of a company with which there is a transfer agreement and any period of non-contribution to the Hydro-Québec Pension Plan in accordance with the plan, By-law No. 681, By-law No. 679, By-law No. 676, By-law No. 653, By-law No. 582, By-law No. 534, By-law No. 278, By-law No. 83 and By-law No. 12, of Hydro-Québec and amendments thereto, with years of service with a subsidiary not being considered as periods of non-contribution for the purposes of this subsection.

From January 1, 1997 to December 31, 2000, and from January 1, 1997 to December 31, 2003 for members concerned, a member who has at least 15 years of credited service may retire on the 1st day of any month following the date on which one the following requirements is fulfilled:

i. the sum of the member's age and years of credited service equals at least 80; or

ii. the sum of the member's age and years of continuous service as of the date he began working, as recognized by Hydro-Québec for the purposes of the plan, equals at least 80, excluding however any period of non-membership in the plan of a company with which there is a transfer agreement and any period of non-contribution to the Hydro-Québec Pension Plan in accordance with the plan, By-law No. 681, By-law No. 679, By-law No. 676, By-law No. 653, By-law No. 582, By-law No. 534, By-law No. 278, By-law No. 83 and By-law No. 12 of Hydro-Québec and amendments thereto, with years of service with a subsidiary not being considered as periods of non-contribution for the purposes of this subsection.

(b) The member shall be entitled to a retirement benefit pursuant to Section 4 and, where applicable, to Section 14.

(c) If the retirement date of a member who chooses retirement under this Section is prior to the normal retirement date of a supplemental plan in which he participated, under Part III of By-law No. 676, under Part III of By-law No. 679, under Part III of By-law No. 681 or under Part III of the plan, he shall be entitled, under the following circumstances, to a pension supplement, as of the date of his voluntary retirement, equal to:

i. in the case of a member who takes early retirement under a supplemental plan, under Part III of By-law No. 676, under Part III of By-law No. 679, under Part III

of By-law No. 681 or under Part III of the plan, the amount of the pension supplement is equal to the reduction in the retirement benefit accrued under the supplemental plan, under Part III of By-law No. 676, under Part III of By-law No. 679, under Part III of By-law No. 681 or under the applicable provisions of Part III of the plan as a result of early retirement;

ii. in the case of a member who is not entitled to early retirement under a supplemental plan, under Part III of By-law No. 676, under Part III of By-law No. 679, under Part III of By-law No. 681 or under Part III of the plan, the amount of the pension supplement is equal to the amount of the pension accrued under the supplemental plan or to the amount of pension established under the applicable provisions of Part III of By-law No. 676, Part III of By-law No. 679, Part III of the plan and is paid until the pension accrued under the supplemental plan or the amount of pension established under the applicable provisions of Part III of By-law No. 676, Part III of By-law No. 679, Part III of By-law No. 681 or Part III of the plan becomes payable.

The pension supplement resulting from the application of this Section is allocated proportionally to the years of credited service prior to January 1, 1990 and years of credited service after December 31, 1989 over the total number of years of credited service.

### 5.3 Retirement at the request of the employer

(a) The employer may retire a member under the following conditions:

i. the member has at least 10 years of credited service; and

ii. retirement is based on:

(1) appropriate administrative requirements with the consent of the member; or

(2) a physical or mental disability such that the member is unable to work for the employer.

Under such circumstances, the member shall retire on the date determined by the employer.

(b) When retirement precedes or coincides with the normal retirement date, the member shall be entitled to a retirement benefit pursuant to Section 4 and, where applicable, to Section 14. In the case of retirement pursuant to 5.3a(ii)(2), the reduction pursuant to 4.3 shall apply as soon as the pensioner receives a disability pension under the Act respecting the Québec Pension Plan and the pension set out under 4.1A) and 4.6 is not payable or, as the case may be, ceases to be payable.

Except in the case of the retirement of a member who is affected of a total and permanent disability, the annual pension payable from the 1st day of the month immediately following age 65, credited on the retirement date for the years of credited service after December 31, 1991 shall be reduced by 0.25% per month for each month included between the effective retirement date and the 1st day of the month coinciding with or immediately following the earliest of these dates:

i. the date on which the member would have reached his 60th birthday;

ii. the date on which the member would have completed 30 years of continuous service;

iii. the date on which the years of continuous service and the member's age would have totalized 80.

However, the retirement benefit must not be less than the retirement benefit determined by the present value of the retirement benefit the member was entitled to before his retirement date, or, failing that, the present value of the deferred retirement benefit, adjusted in accordance with 3.5, the member would have been entitled to if he had ceased to be a member on the day preceding his retirement for any reason other than retirement.

(c) If the retirement date is after the normal retirement date, the pension shall be calculated pursuant to 5.5c.

### 5.4 Early retirement at the request of the member

(a) Repealed.

(b) A member with less than 15 years of credited service may retire on the 1st day of any month following his 55th birthday, based on the following terms and conditions:

i. the member shall be entitled to a retirement benefit determined pursuant to 4.1, 4.1A), 4.4b, 4.5 and 4.6, but reduced on an actuarial equivalence basis, with such reduction not being less than the one determined pursuant to 12.1.3, for the period between the retirement date and the voluntary retirement date or the normal retirement date, whichever is the earliest;

ii. the reduction provided for in 4.3 shall apply as of the 1st day of the month immediately following the 65th birthday;

iii. the provisions of 4.4a, 4.4c and 14 shall apply, where applicable.

(c) A member with a minimum of 15 years of credited service may retire as of the 1st day of any month following his 55th birthday, based on the following terms and conditions:

i. the member shall be entitled to a retirement benefit pursuant to 4.1, 4.1A), 4.2, 4.4*b*, 4.5 and 4.6. However, the pension set out in 4.1, 4.2, 4.4*b*, 4.5 and 4.6 is reduced by an amount equal to 0.25% of the pension set out under 4.1, 4.1A), 4.2, 4.4*b*, 4.5 and 4.6, multiplied by the number of months preceding the date on which he would have been entitled to voluntary retirement, based on the years of credited service or years of continuous service at his termination date and on his age at the time of voluntary retirement. However, such reduction shall not exceed the reduction calculated on an actuarial equivalence basis for the period between the retirement date and the voluntary retirement date, whichever method gives the highest amount;

ii. the reduction provided for in 4.3 shall apply as of the 1st day of the month immediately following the 65th birthday;

iii. the provisions of 4.4*a*, 4.4*c* and 14 shall apply, where applicable.

(d) A member with a minimum of 15 years of credited service may also retire on the 1st day of any month after January 1, 1997, but before December 31, 2000 and, for a member concerned, on the 1st day of any month after January 1, 1997, but before December 31, 2003, provided that one of the requirements set out in sub-paragraphs (i) or (ii) of the 3rd paragraph of 5.2*a* is met during this period. The pension shall be based on the following terms and conditions:

i. the member shall be entitled to a retirement benefit determined pursuant to 4.1, 4.1A), 4.2, 4.4*b*, 4.5 and 4.6, but reduced on an actuarial equivalence basis, with such reduction not being less than the one determined pursuant to 12.1.3, for the period between the retirement date and the voluntary retirement date or the normal retirement date, whichever is the earliest;

ii. the reduction provided for in 4.3 shall apply as of the 1st day of the month immediately following the 65th birthday;

iii. the provisions of 4.4*a*, 4.4*c* and 14 shall apply, where applicable.

(e) If, from January 1, 1997 to December 31, 2000, and from January 1, 1997 to December 31, 2003 for a member concerned, a member is entitled to retire pursuant to *c* and *d* above, his benefits are determined in accordance with the more generous provisions provided

in said subsections, it being understood that the calculation in *c*(i) above is made for a voluntary retirement pursuant to the provisions of the first paragraph of 5.2*a*.

### 5.5 Postponed retirement

(a) A member who remains in the employer's service after his normal retirement date may retire as of the 1st day of any month following this date. The retirement benefit of the member shall be postponed until his actual retirement date, but no later than December 1 of the year in which the member reaches the age limit provided for in applicable legislation, even if he remains in the employer's service after this date.

(b) During the postponement period, the member may request the payment of his retirement benefit, in whole or in part, but only insofar as is necessary to compensate for any reduction in earnings during this period, including the reduction in earnings as a result of a transfer during this period from a full-time to a part-time schedule, or from the reduction of a part-time schedule. The member may not make such request more than once per 12-month period.

(c) The amount of the postponed retirement benefit payable on the date of retirement or at the latest on December 1st of the year in which the member reaches the age limit provided for in applicable legislation, shall be equal to the sum of the following:

i. the retirement benefit determined as at the normal retirement date pursuant to Section 4;

ii. the retirement benefit calculated on an actuarial equivalence basis resulting from the adjustment made to offset the decrease in the value of the benefits by reason of the deferral, during the postponement period, of the retirement benefit provided for in (i) above, reduced, where applicable, by any payments made under *b* above.

(d) Accumulation of retirement benefits shall take place from the normal retirement date until the actual retirement date, but no later than December 1 of the year in which the member reaches the age limit provided for in applicable legislation, based on an interest rate compounded annually equal to the rate prescribed by applicable laws and regulations.

(e) The provisions pursuant to 14.1 shall apply, where applicable.

### 5.6 Progressive retirement

A member whose earnings are reduced due to a reduction in the workweek and in application of an agreement entered into with the employer may, in the

10 years preceding the normal retirement date, request payment of a lump sum benefit, in each year covered by the agreement, the amount of which is limited by the applicable legislation. The member's residual rights resulting from the payment of such benefit are established pursuant to applicable legislation.

## SECTION 6 DEATH BENEFITS

6.1 For the purposes of Section 6, spousal status shall be determined on the day preceding the death of the member, former member or pensioner.

Notwithstanding the foregoing, for the purposes of 6.3.2, 14.1 and 14.2*a*, spousal status shall be determined on the day preceding the first annuity payment.

### 6.2 Death prior to retirement

#### 6.2.1 Repealed.

6.2.2 If a member with less than 10 years of credited service dies before his normal retirement date, his spouse, failing which his successors, shall receive a refund equal to the sum of the following :

(*a*) the present value of the benefits the member was entitled to prior to his death for the years of credited service after December 31, 1989, or, if not applicable, for the same years of credited service, the present value of the deferred retirement benefit the member would have been entitled to if he had ceased to be a member on the day of his death for any reason other than death ;

(*b*) the total employee contributions made by the participant for the years of credited service before January 1, 1990, plus interest.

6.2.3 (*a*) If a member with at least 10 years of credited service dies before the normal retirement date, his spouse shall receive a survivor benefit payable for life equal to the sum of the following :

i. 50% of the retirement benefit to the member at the date of his death, established pursuant to 4.1*a*, 4.1*b* and 4.2, and reduced, pursuant to 4.3*a*, as soon as a survivor benefit is payable to the spouse under the Act respecting the Québec Pension Plan ;

The amount of the survivor benefit must be increased, if applicable, so that its present value is at least equal to the total contributions made by the participant for the years of credited service prior to January 1, 1990, plus interest ;

ii. the survivor benefit determined as the greater of the following amounts :

(1) the present value of the survivor benefit payable to the spouse. This survivor benefit payable to the spouse is equal to 50% of the retirement benefit accrued to the member at the date of his death, pursuant to 4.1*c*, 4.1*d*, 4.1*A*), 4.5 and 4.6.-The reduction pursuant to 4.3*b* shall apply as soon as a pension is payable to the spouse under the Act respecting the Québec Pension Plan and the benefit provided for in 4.1 A) and 4.6 is not payable or, if applicable, is no longer payable.

and

(2) the present value of the retirement benefits the member was entitled to prior to his death for years of credited service after December 31, 1989, or, if not applicable, for the same years of credited service, the present value of the deferred retirement benefit the member would have been entitled to if he had ceased to be a member on the day of his death for any reason other than death.

Notwithstanding the provisions hereinabove in *a*, the spouse who is entitled to a pension under the plan may elect, before its payment has begun, to replace such pension by the benefits provided for in 6.2.2 even if the member had less than 10 years of credited service when he died.

(*b*) i. Subject to the provisions of 6.2.5*c*, if a member referred to in 6.2.3*a* dies without a spouse, the pension provided for in 6.2.3*a*(i) shall be paid to the children. The children may elect to replace such pension, before its payment has begun, by the benefits provided for in 6.2.2*b* even if the member had less than 10 years of credited service when he died. If the member referred to in 6.2.3*a* dies without a spouse and without children, the employee contributions for the years of contributory service prior to January 1, 1990, plus interest, shall be paid to his successors.

ii. However, in the two cases referred to in (i) above, the successors shall be paid the present value of the pension to which the member would have been entitled before his death for the years of credited service after December 31, 1989 or, failing this, for the same years of credited service, the value of the deferred pension to which the member would have been entitled if he had ceased to be a member on the day of his death for any reason other than death.

6.2.4 (a) When a member whose retirement benefit was fully or partially postponed dies, his spouse shall be entitled to a survivor benefit payable for life, the present value of which shall be equal to the greater of the following amounts:

i. the sum of the following:

(1) the present value of the survivor benefit payable to the spouse. This survivor benefit payable to the spouse is equal to 60% or, where applicable, to 50%, of the retirement benefit, pursuant to 5.5c(i), to which the member would have been entitled if he had ceased to be a member on the day of his death for any reason other than death;

(2) the value of the pension pursuant to 5.5c(ii), the entire amount reduced, where applicable, by the payments already made pursuant to 5.5b;

and

ii. the sum of the following:

(1) the present value of the survivor benefit payable to the spouse. This survivor benefit to the spouse is equal to 50% of the retirement benefit on normal retirement date pursuant to 4.1a, 4.1b, 4.2 and 4.3a;

(2) the present value of the retirement benefit on normal retirement date to which the member was entitled prior to his death for the years of credited service after December 31, 1989;

(3) the value of the pension pursuant to 5.5c(ii), the entire amount reduced, where applicable, by the payments already made pursuant to 5.5b.

(b) i. If a member referred to in 6.2.4a dies without a spouse, 50% of the retirement benefit pursuant to 5.5c, but only for the years of credited service prior to January 1, 1990, shall be paid to the children. If the member referred to in 6.2.4a dies without a spouse and without children, the employee contributions for the years of contributory service prior to January 1, 1990, plus interest, shall be paid to his successors.

ii. However, in the two cases referred to in (i) above, the successors shall receive the present value of the pension to which the member was entitled before his death for the years of credited service after December 31, 1989.

6.2.5 (a) Subject to the provisions of 6.2.5c below, the entitlement to benefits accorded to the spouse in 6.2.2, 6.2.3, 6.2.4 and 7.7 shall terminate as a result of a legal separation, regardless of the date on which the

judgment granting separation from bed and board was rendered or became effective, of a divorce, of a marriage annulment or of a termination of the conjugal relationship.

(b) Repealed.

(c) The member or former member may notify the committee in writing to pay the survivor benefit provided for in 6.2.2, 6.2.3, 6.2.4 or 7.7 to his former spouse. The former spouse may elect to replace the survivor benefit provided for in 6.2.3 or 7.7 by the benefit provided for in 6.2.2 even if the member or former member had less than 10 years of credited service when he died. However, if the court decree has taken effect or, if applicable, the conjugal relationship has terminated after August 31, 1990 but before January 1, 2001, this assignment may be effected only if there has been no division of benefits accrued by the member under the plan.

The former spouse's entitlement to the survivor benefit ceases if the member notifies the committee in writing of the revocation of the designation of his former spouse. This entitlement also ceases, if applicable, if the participant has a new spouse when he dies and if this new spouse has not waived his right to the benefit as provided for in 6.2.6 below.

6.2.6 Notwithstanding the provisions of 6.2.2, 6.2.3 and 7.7, the spouse may waive the survivor benefit to which he is entitled upon the death of the member or former member by notifying the committee in writing. Such waiver may be revoked provided that the spouse notifies the committee in writing of such revocation before the death of the member or former member.

Notwithstanding the provisions of 6.2.4, the spouse of a member whose entire retirement benefit has been postponed may waive the survivor benefit to which he is entitled upon the death of the member by notifying the committee in writing. Such waiver may be revoked provided that the spouse notifies the committee in writing of such revocation before the death of the member.

### 6.3 Death after retirement

6.3.1 Subject to 6.3.2 and 14.2, on the death of a pensioner, his spouse shall be paid a lifetime pension equal to 50% of the pension established according to provisions of By-law No. 83 before application of Sections 38 and following, or according to provisions of Part I of By-law No. 278, or according to provisions of Part I of By-law No. 534, before application of 4.4, or according to provisions of Part I of By-law No. 582 or of By-law No. 653, before application of 14.1, or before application of 14.1 according to the provisions of Part I



of By-law No. 676, of Part I of By-law No. 679, of Part I of By-law No. 681 or Part I of the plan.

The reduction set out in Section 7 of By-law No. 83 or in Section 4.3 of By-law No. 278, of By-law No. 534, of By-law No. 582, of By-law No. 653, of By-law No. 676, of By-law No. 679, of By-law No. 681 or of the plan, shall apply as soon as a survivor benefit is payable to the spouse under the Act respecting the Québec Pension Plan and the benefit provided for in 4.1 A) and 4.6 is not payable or, if applicable, is no longer payable.

6.3.2 Subject to 14.2, on the death of a pensioner whose retirement commenced after December 31, 1989, if the spouse has not renounced the right to a 60% pension under 4.4 of By-law No. 534 or 14.1 of By-law No. 582, of By-law No. 653, of By-law No. 676, of By-law No. 679, of By-law No. 681 or of the Plan, the spouse shall be paid a lifetime pension equal to 60% of the pension paid to the pensioner in accordance with Part I of By-law No. 534 of By-law No. 582, of By-law No. 653, of By-law No. 676, of By-law No. 679, of By-law No. 681 or of the plan, provided the pension had been adjusted on an actuarial equivalence basis according to 4.4 of By-law No. 534 or according to 14.1 of By-law No. 582, of By-law No. 653, of By-law No. 676, of By-law No. 679, of By-law No. 681 or of the plan, to provide the spouse with a 60% pension.

If the pension established according to the preceding provisions has not been reduced in compliance with 4.3, the reduction, if any, shall apply on the 1st day of the month immediately following the date of the pensioner's 65th birthday, and the pension set out under 4.1A) and 4.6 ceases to be payable at this same date.

6.3.3 (a) Subject to the provisions of 6.3.3b below, the entitlement to benefits pursuant to 6.3.1 and 6.3.2 shall disappear upon a legal separation, regardless of the date on which the judgment granting separation from bed and board was rendered or became effective, upon a divorce, upon a marriage annulment or upon a termination of the conjugal relationship.

(b) A pensioner may notify the committee in writing to pay the survivor benefit provided for in 6.3.1 and 6.3.2 to his former spouse. However, if the court order has taken effect or, if applicable, the conjugal relationship has terminated after August 31, 1990 but before January 1, 2001, this assignment may be effected only if there has been no division of benefits accrued by the pensioner under the plan. The former spouse's entitlement to the survivor benefit ceases if the pensioner notifies the committee in writing of the revocation of the designation of his former spouse. The entitlement to the benefit provided for in 6.3.1 also ceases, if applicable, if the pensioner has a new spouse when he dies.

(c) Repealed.

6.3.4 Subject to the provisions of 6.3.3b, if a pensioner who did not have a spouse on his retirement date dies without a spouse, the survivor benefit pursuant to 6.3.1 and 14.2b shall be paid to the children.

6.3.5 If a pensioner who had a spouse on his retirement date dies without a spouse, the survivor benefit pursuant to 6.3.1, 6.3.2 and 14.2 shall be paid to the children.

#### 6.4 Death of surviving spouse

If the surviving spouse of a member or the surviving spouse of a pensioner dies, the survivor benefit that was being paid to the spouse shall continue to be paid to the children.

6.5 Upon termination of the pension payable pursuant to By-law No. 83, By-law No. 278, By-law No. 534, Sections 6.3.1, 6.3.2, 6.3.3, 6.3.4, 6.3.5 and 6.4 of By-law No. 582, of By-law No. 653, of By-law No. 676, of By-law No. 679, of By-law No. 681 or of the plan, or when no pension is payable, any excess of the contributions paid by the member pursuant to By-law No. 83, Part I of By-law No. 278, Part I of By-law No. 534, Part I of By-law No. 582, Part I of By-law No. 653, Part I of By-law No. 676, Part I of By-law No. 679, Part I of By-law No. 681 or Part I of the plan plus interest over the sum of the pensions already paid shall be paid to the successors. For the purpose of this subsection, the benefits paid pursuant to Sections 38 and following of By-law No. 83, Part II of By-law No. 278, Part II of By-law No. 534, Part II of By-law No. 582, Part II of By-law No. 653, Part II of By-law No. 676, Part II of By-law No. 679, Part II of By-law No. 681 or Part II of the plan and Part III of By-law No. 676, Part III of By-law No. 679, Part III of By-law No. 681 or Part III of the plan are not to be considered.

### SECTION 7 TERMINATION BENEFITS

7.1 Any member who terminates employment with the employer before his normal retirement date shall receive a deferred retirement benefit payable at the normal retirement date. The characteristics and conditions of this benefit shall be the same as those of a normal retirement benefit and its amount shall be the sum of the following benefits :

(a) the pension accrued on the date of termination, calculated pursuant to the provisions of 4.1a, 4.1b, 4.2 and 4.3a. The amount of the deferred pension shall be adjusted, if applicable, so that its value is at least equal to the total amount of contributions paid before January 1,

1990, plus interest accrued to the date of termination. However, in the case of a female member who was an employee on December 31, 1979 and who is entitled to a deferred retirement benefit as of her normal retirement date, the portion of the deferred retirement benefit for the years of contributory service after December 31, 1965 but prior to January 1, 1980 shall be adjusted on an actuarial equivalence basis for the deferral of benefit payments from the member's 60th to her 65th birthday;

(b) the pension accrued on the date of termination, calculated pursuant to the provisions of 4.1c, 4.1d, 4.1A), 4.3b, 4.4, 4.5 and 4.6, adjusted in accordance with 3.5.

7.2 Repealed.

7.3 Repealed.

7.4 Repealed.

7.5 When a member referred to in 2.3 is entitled to recall rights following his termination of employment, he must leave his employee contributions, if any, in the pension fund for a maximum of 24 months, and there shall be no interruption of the years of continuous service. If the member is not rehired within a maximum period of 24 months, the years of continuous service shall be considered to have terminated at the end of this period.

7.6 The provisions in respect of retirement at the request of the employer and postponed retirement shall not apply to deferred retirement benefits. The provisions in respect of voluntary retirement, with the exception of the provisions of 5.2c, and early retirement at the request of the member shall apply to deferred pensions.

From January 1, 1997 to December 31, 2000 and from January 1, 1997 to December 31, 2003 for members concerned, the provisions in respect of voluntary retirement pursuant to the 3rd paragraph of 5.2a and those in respect of early retirement at the request of the member pursuant to 5.4d shall apply to deferred pensions if the two following requirements are met:

- i. termination of employment happens during this period;
- ii. one of the requirements set out in sub-paragraph (i) or (ii) of the 3rd paragraph of 5.2a is fulfilled during this period.

7.7 The provisions with respect to survivor benefits payable to the spouse, failing which, to the children, shall apply to a deferred retirement benefit when a former member dies after one of the following dates:

(a) the date on which he would have been entitled to an early retirement at the request of the member according to the provisions of 5.4c, 5.4d and 5.4e;

(b) the date on which he would have been entitled to a voluntary retirement;

(c) the normal retirement date.

7.8 When on the death of a former member no retirement benefit is payable pursuant to 7.7 above, his contributions for years of contributory service prior to January 1, 1990, plus interest, shall be payable in a single lump sum to the spouse or, if there is no spouse, to the successors, except for the years of contributory service prior to January 1, 1966 if these have already been refunded. On the other hand, the present value of the deferred retirement benefit at the termination of employment date pursuant to 7.1b shall be payable in a single lump sum to the spouse or, if there is no spouse, to the successors.

7.9 Any member who is more than 10 years from normal retirement age on the date of termination of employment with the employer, if such date is after December 31, 1989, shall be entitled, according to the provisions of the Supplemental Pension Plans Act, to transfer the present value of the deferred retirement benefit pursuant to 7.1 to another pension plan regulated by the Supplemental Pension Plans Act or defined by the regulations adopted pursuant to such Act.

The member or former member may make an election as to his available options within the following periods:

(a) the latter of the 90-day period following his reception of a statement of the type(s) and amount(s) of benefit(s) to which he is entitled under the plan or the 90-day period following his termination of employment;

(b) subsequently, every 5 years, within 90 days following the date of anniversary of his termination of employment date but, at the latest, by the date provided for in c;

(c) within 90 days following the date 10 years prior to his normal retirement age.

In the cases provided for in b and c, a new present value of the deferred retirement benefit shall be determined at each 5th anniversary of the termination of employment date, but at the latest, on the former member's 55th birthday.

Notwithstanding any disposition to the contrary, a former participant with a physical or mental disability may request the transfer provided for in the first

paragraph of 7.9 at all times before age 55 if a medical doctor certifies that his life expectancy is reduced to such an extent that he will not be able to exercise his right to a transfer.

7.10 The provisions of 7.9 above shall not apply to retirement at the request of the employer, even if the member is under age 55.

7.11 When the present value of the deferred retirement benefit provided for in 7.1 is less than 20% of the year's maximum pensionable earnings for the year of termination, the member's accrued benefits shall be paid to him by refunding an amount corresponding to the present value of the deferred retirement benefit. Before doing so, the committee shall ask the former member in writing to choose a payment method. If the former member has not responded within 30 days of notification, the committee shall proceed with the refund.

7.12 The provisions of paragraph 7.11 apply also to all former members who are entitled to a deferred retirement benefit and whose employment was terminated before January 1, 2001.

7.13 A former member may request full and immediate payment of the value of his accrued benefit upon presentation of proof that the committee deems acceptable that on the date of such request, the former member had not been a resident of Canada for at least two years.

7.14 Any amount transferred to any registered plan under this Section shall be subject to the Income Tax Act and to any regulations adopted by the Government of Canada pursuant to that Act.

## **SECTION 8**

### **TRANSFER OF BENEFITS BETWEEN SPOUSES**

8.1 In the event of a legal separation, a divorce or marriage annulment, the benefits accrued to a member, former member or pensioner under the plan shall, upon application in writing to the committee, be divided between the member and his spouse to the extent provided for in the Civil Code of Québec or by a court order.

Where the court awards to the spouse of a member, former member or pensioner, as payment for a compensatory allowance, the benefits accrued to such member, former member or pensioner under the plan, the benefits shall, upon application in writing to the committee, be transferred to the spouse to the extent provided for by the court order.

8.2 In the event of the cessation of the conjugal relationship between a spouse and a member, former member or pensioner, within the meaning of 1.24*b*, the member, former member or pensioner and spouse may, within 12 months, agree in writing to a partition of the accrued benefits of the member, former member or pensioner under the plan, in accordance with the provisions of the Supplemental Pension Plans Act.

8.3 Upon presentation of an application for a legal separation, a divorce, a marriage annulment or a payment of a compensatory allowance, a member, former member or pensioner and his spouse shall be entitled, upon application in writing to the committee, to obtain a statement of the accrued benefits of the member, former member or pensioner under the plan and of the present value thereof as at the date of the institution of the action. The member, former member or pensioner and his spouse may also request such a statement upon cessation of their conjugal relationship or while attending mediation sessions prior to instituting legal proceedings in family law. In such a case, the value of the accrued benefits of the member, former member or pensioner under the plan shall be determined as at the date of cessation of the conjugal relationship. Such application shall also contain the following documents and information or any other documents or information prescribed by the regulations adopted pursuant to the Supplemental Pension Plans Act :

(a) the name and address of the member, former member or pensioner and his spouse ;

(b) in the case of married spouses, a document attesting to the date of marriage, a document attesting to the date of presentation of an application for a legal separation, a divorce, a marriage annulment or a payment of a compensatory allowance ;

If the request is presented during mediation, a joint declaration stating the date on which their conjugal relationship has ended must be supplied. In addition, the request must contain a written confirmation by a certified mediator to the effect that he has been given a family mediation mandate ;

(c) in the case of unmarried spouses, a joint declaration stating the dates on which their conjugal relationship began and ended and, if they have lived in a conjugal relationship for at least 1 year but less than 3 years, proof of one of the events set out in 1.29*b*.

The committee shall provide the applicant and his spouse with such statement within 60 days following its reception of a request to that effect and with the information as set out in the Supplemental Pension Plans Act and any regulations adopted pursuant thereto.

The years of credited service, which are part of the calculation of the amounts appearing on the statement, are stated in days, in accordance with the provisions of any regulation adopted pursuant to the Supplemental Pension Plans Act.

8.4 Any application for the partition or transfer of benefits of the member, former member or pensioner must be made in writing to the committee. Such application shall specify which of the various payment methods prescribed by the regulations adopted pursuant to the Supplemental Pension Plans Act the spouse has chosen, and it shall be accompanied by a copy of the following documents, if applicable, and any other documents prescribed by the regulations adopted pursuant to the Supplemental Pension Plans Act:

(a) the court order for the legal separation from divorce, marriage annulment or payment of a compensatory allowance and, where applicable, the agreement entered into between the married spouses in respect of the partition or transfer of the benefits of the member, former member or pensioner;

(b) any other court order related to the partition or transfer of the benefits of the member, former member or pensioner;

(c) the non-appeal certificate;

(d) in the case of unmarried spouses, the agreement between them with respect to the partition of benefits of the member, former member or pensioner.

8.5 Unless it is a joint application for partition or transfer of benefits, the Committee shall provide the member, former member or pensioner with a written notice informing him of such application and the present value of the benefits claimed by his spouse.

The committee may not proceed with the execution of the partition or transfer until 60 days have elapsed since such notice is sent to the member, former member or pensioner. Moreover, the committee may not proceed if it is notified that the spouse of the member, former member or pensioner has duly waived his rights to benefits or that the member, former member or pensioner has initiated a legal action in opposition to the application for partition or transfer.

8.6 The value of the accrued benefits of the member, former member or pensioner shall be determined in accordance with the provisions of the regulations adopted pursuant to the Supplemental Pension Plans Act.

8.7 Unless it has been notified of the spouse's waiver of or a judicial opposition to the partition or transfer of the benefits of the member, former member or pensioner, the committee shall, within 60 days of the expiry of the period provided for in the second paragraph of 8.5, transfer any amount to which the spouse is entitled as a result of such partition or transfer into a pension plan, as defined by the Supplemental Pension Plans Act and any regulations adopted pursuant thereto.

When the benefits to which the spouse is entitled as a result of the partition or transfer are a refund to which the member would have been entitled at the date of institution of the action, the committee shall pay the spouse the amount corresponding to such benefits or transfer same into a pension plan as defined by the Supplemental Pension Plans Act and any regulations adopted pursuant thereto.

8.8 The procedure provided for in 8.5 and 8.7 shall be subject to the provisions of any regulations adopted pursuant to the Supplemental Pension Plans Act, and any provisions of such regulations adopted amending such procedure shall form part of and amend this Section.

8.9 Subject to the provisions of the Supplemental Pension Plans Act and any regulations adopted pursuant thereto, the benefits allocated to the spouse following the partition of the benefits of the member, former member or pensioner or as payment of a compensatory allowance may be used solely to purchase a life annuity, and shall be transferred to another plan.

However, any benefit allocated to the spouse following garnishment for unpaid spousal support must be paid in a lump sum pursuant to the provisions of the Supplemental Pension Plans Act and any regulations adopted pursuant thereto.

8.10 Execution of the partition or transfer shall reduce the benefits of the member, former member or pensioner pursuant to the provisions of the Supplemental Pension Plans Act and any regulations adopted pursuant thereto.

8.11 If a pensioner's retirement benefit is calculated to take into account his spouse's right to a benefit as provided for in 6.3.2 and his spouse subsequently becomes inadmissible to this benefit pursuant to 6.3.3a, the pensioner may, unless he has elected to avail himself of the provisions of 6.3.3b, ask the committee to recalculate his retirement benefit as at the date of the court order granting him a legal separation, a divorce or an annulment of marriage or as at the date of cessation of the conjugal relationship, provided that this date is later

than December 31, 2000. The amount and characteristics of this benefit shall be the same as those of the retirement benefit that would have been payable to the pensioner as at the date of the recalculation if he had no spouse on the date when payment of his retirement benefit began.

Unless it has received the written notification provided for in 6.3.3*b*, the pension committee must also recalculate the pensioner's retirement benefit as at the date of the court order granting him a legal separation, a divorce or an annulment of marriage or as at the date of cessation of the conjugal relationship, provided that this date is later than December 31, 2000, when the partitioning of the accrued benefits of the member under the plan applies in accordance with the provisions of 8.1 to 8.10 above.

Unless he has given written notice to the committee as provided for in 6.3.3*b*, a pensioner whose divorce, marriage annulment, legal separation or termination of the conjugal relationship has become effective before January 1, 2001 may ask the committee to recalculate his retirement benefit as if he had no spouse on the date when payment of his retirement benefit began, whether or not any partitioning of benefits has taken place in accordance with the provisions of 8.1 to 8.10 above. The date as at which the benefit is recalculated shall be the date of the pensioner's written request.

## **SECTION 9** CALCULATION OF INTEREST

9.1 Employee contributions provided for in 3.1, 3.3, 3.4 and 3.4A), contributions with respect to the redemption of years of contributory service in accordance with Sections 3, 10 and 11 shall bear interest at the rate provided for in 1.21 as of the date they are paid into the pension fund, until the date of payment thereof or until the date used to determine the present value of the vested benefit of the member, former member or pensioner.

9.2 In the case of a member or former member who avails himself of the provisions of 7.9, the various components of the retirement benefit shall bear interest as follows:

(a) employee contributions shall bear interest at the rate provided for in 1.21 until the date used to determine the present value of the deferred benefit or until the date of refund of the contributions or their transfer to another plan;

(b) excess contributions, if any, shall bear interest at the rate provided for in 1.21 as of the date of their calculation pursuant to 3.5*b* and until such time as they

are used to provide an additional benefit, refunded or transferred to another plan;

(c) the present value of the deferred retirement benefit shall bear interest for the period between the date on which such value was established and the date of transfer at the rate used to establish this value.

9.3 Repealed.

9.4 No interest shall be credited on employee contributions after the date on which the member or former member starts to receive a retirement benefit or after the date of death of the member or former member.

9.5 Employee contributions shall bear interest starting only on January 1, 1966.

9.6 From January 1, 1990 to December 31, 2000, interest shall be determined as follows:

(a) for the first 6 months of a year, the interest shall correspond to the average of the rates in 1.21 for the 6-months ended October 31st of the previous year;

(b) for the last 6 months of a year, the interest shall correspond to the average of the rates in 1.21 for the 6-months ended April 30th of the same year.

9.7 From January 1, 2001, interest shall be determined as follows:

(a) each month, the interest shall correspond to the rate of return obtained by the pension fund for the current month;

(b) if the rate provided for in *a* above is not known at the time the calculation is performed, an external rate shall be used for that month. This rate shall be the same as the one used to determine the current value of a deferred retirement benefit as at the same date.

## **SECTION 10** REDEMPTION OF YEARS OF CONTRIBUTORY SERVICE

10.1 A member who:

(a) starts to receive benefits under a long-term disability plan of the employer after January 6, 1982;

(b) receives an indemnity from the "Commission de la santé et de la sécurité du travail" as a result of a preventive leave under the Act Respecting Occupational Health and Safety, R.S.Q., c. S-2.1, or an occupational accident under the Act Respecting Industrial Accidents and Occupational Diseases, R.S.Q., c. A-3.001 and who

did not avail himself, after December 31, 1989, of the provisions set out in 3.6*b*(ii);

(*c*) avails himself of unpaid leave under the parental benefits plan and who did not avail himself of the provisions set out in 3.6*d*(ii)(2);

(*d*) avails himself of an unpaid leave that an employer must grant under any applicable legislation.

and who returns to work before his normal retirement date or retires following one of the events described above, may have all or part of the period of temporary leave of absence counted as a year of contributory service, provided he pays the employee contributions, plus interest, subject to the following terms and conditions:

i. the contributions are calculated on the basis of the earnings rate appearing on his employer's payroll during the temporary leave of absence, the year's maximum pensionable earnings, the basic exemption and the rate of contribution in effect during the period of temporary leave of absence;

ii. the member avails himself of this option and selects his method of refund pursuant to 10.4.

10.2 If a member elects to have only part of his period of temporary leave of absence counted as a year of contributory service, the years of contributory service thus credited shall be presumed to be those just prior to his return to work.

10.3 A member on temporary leave of absence as a result of his election to the Québec National Assembly or the House of Commons, who returns to work before his normal retirement date or retires immediately following this temporary leave of absence, may have all or part of his years as elected representative counted as years of contributory service, provided he pays the employee contributions, plus interest, in accordance with the terms and conditions as set out in 10.1 and 10.2. This provision shall not apply if for this period of leave of absence the member is entitled to a pension under a pension plan for the members of the Québec National Assembly or of the House of Commons.

10.4 A member can avail himself of the option provided for in 10.1 and 11.1 one time only, and do so within 180 days following his return to work, his rehiring or before his retirement date, whichever comes first. The refund may be made:

(*a*) in a single lump sum payment within 90 days following the exercise of the option provided the payment is made before the earlier of the retirement date and the normal retirement date;

or

(*b*) through earnings deductions at each pay period of which the amount, plus the interest, at the rate set out in 10.12*a*, shall be established by Hydro-Québec; however, the full refund can neither be done over a period exceeding 5 years, starting on the date the option is exercised nor extend beyond the earlier of the retirement date and the normal retirement date;

or

(*c*) through annual payments of which the amount, plus the interest, at the rate set out in 10.12, shall be established by Hydro-Québec; however, the full refund shall not exceed 5 years of contributory service, as of the date the option is exercised nor extend beyond the earlier of the retirement date and the normal retirement date.

Interest shall accumulate from the date contributions are due to be made into the pension fund; the 180-day period provided for exercising said option and the terms of payment described above shall not in any way delay or cancel the charging of interest. Should the member fail to make a payment, accumulated interest shall be added to the balance of the redemption.

Once each year, the member may make a lump sum payment to reduce or eliminate the balance of contributions to be recovered.

The member may decide to terminate his redemption at any time by submitting a written notice to the employer. This decision shall be irrevocable. The years of contributory service shall then be established in relation to the refunds paid as at the date of termination of the redemption.

10.5 (*a*) A member who avails himself of the provisions set out in 3.6*d*(i) and whose temporary leave of absence lasts more than one pay period must advise the employer in writing at least 30 days before the beginning of his temporary leave of absence.

(*b*) A member shall receive from the employer a statement showing the number of payments he must make, the amount of each payment and the date at which each of these payments is due. Such payments shall be made as follows:

i. by cheque, if the member does not receive any earnings during the pay period in question or if the earnings paid are not sufficient to cover the contributions due; or

ii. by deductions at source each pay period, in other cases.

(c) Any unpaid contribution at the due date shall be increased by the interest accumulated until the balance is paid. The member may pay the balance of unpaid payments, plus accumulated interest, at the end of his temporary leave of absence, provided the date of full payment is no later than 90 days after the end of said temporary leave of absence and does not extend beyond the earlier of the retirement date and the normal retirement date.

(d) The member may decide to terminate his redemption at any time by submitting a written notice to the employer. This decision shall be irrevocable. The years of contributory service shall then be established in relation to the payments made as at the date of termination of the redemption.

10.6 A member who avails himself of the provisions set out in 3.6*d*(i)(1) and whose temporary leave of absence is expected to last less than 10 days per pay period and not extend beyond subsequent pay periods, must advise the employer in writing before the beginning of said leave of absence or within 180 days of his return.

The contribution due shall be deducted from the member's earnings provided the earnings paid are greater than or equal to the contribution due. If such is not the case, the member may make his payment by cheque. No interest is chargeable if the date at which the member's notice is received makes it possible to pay the contribution through a deduction at source or a payment by cheque during the pay period the temporary leave of absence is taken. In all other cases, the contribution due shall be deducted from the member's earnings at a subsequent pay period and this contribution shall be increased by the interest due from the date said contribution was due to be made into the pension fund.

A member who does not avail himself of the provisions set out hereinabove cannot avail himself of the provisions of 10.9.

10.7 A member who avails himself of the provisions set out in 3.6*b*(ii) must advise the employer in writing, if applicable, as soon as he knows the date of his eligibility for the payment of compensation by the "Commission de la santé et de la sécurité au travail".

The provisions as described in 10.5*b*(i), in 10.5*c* and 10.5*d* apply to such member.

10.8 A member who avails himself of the provisions set out in 3.6*d*(ii)(2) must advise the employer in writing

at least 15 days prior to the beginning of his temporary leave of absence.

The provisions as described in 10.5*b*(i), in 10.5*c* and in 10.5*d* apply to such member.

10.9 A member who did not avail himself of the periodic payment option pursuant to 3.6*d*(i) and who returns to work or to a full-time schedule before his retirement date or normal retirement date may avail himself of the provisions set out in 10.4 for the redemption of the years of contributory service which correspond to these temporary leaves of absence. However, only a temporary leave of absence or part of a temporary leave of absence taken between January 1, 1997 and December 31, 2000 and between January 1, 1997 and December 31, 2003 for a member concerned may be redeemed. The member must exercise his redemption option no later than on the earlier of the following three dates, that is:

- i. within 180 days following his return to work or to a full-time schedule;
- ii. June 30, 2001 or June 30, 2004 for a member concerned; or
- iii. the retirement date or normal retirement date.

10.10 The provisions of this Section shall be subject to the Income Tax Act and any regulations adopted by the Government of Canada pursuant thereto.

10.11 Temporary Plan for the Redemption of Non-Contributory Leaves of Absence

10.11.1 (a) For the purposes of section 10.11, "Plan" shall refer to the Temporary Plan for the Redemption of Non-Contributory Leaves of Absence.

(b) Any individual eligible for the Plan is a member of the plan pursuant to By-law No. 681 in force since January 1, 2000.

10.11.2 Non-contributory leaves of absence eligible for the Plan must correspond to years of service with the employer or a subsidiary or to years during which the individual has fulfilled a function with one of the preceding. Non-contributory leaves of absence shall be eligible according to the following priority:

- (a) an unpaid leave under the parental benefits plan;
- (b) a period of service prior to membership in the Plan and during which the individual had the status of a temporary employee and would have contributed to the Plan had it not been for his status;

(c) any other temporary unpaid leave of absence.

A maximum of 2 years is applicable for each of *a*, *b* and *c* above, subject to 10.11.5.

Notwithstanding the foregoing, unpaid leaves of absence which are unauthorized or owing to a strike or a suspension and leaves of absence during which an individual is entitled to recall rights following his termination of employment and to whom provisions in 7.5 apply shall not be eligible for the Plan.

10.11.3 Any eligible individual may have all or a part of the period of non-contributory leave of absence eligible for the Plan counted as a year of contributory service. Terms and conditions set out in 10.2 are applicable. The required employee contribution provided for in 10.11.4 must be calculated and made according to the following terms and conditions:

(a) if the required employee contribution corresponds to the employee and employer contributions, if any, plus interest, it is based on the earnings rate shown on the employer's payroll during the eligible non-contributory leave of absence, the year's maximum pensionable earnings, the basic exemption and the rate of contribution in effect during the eligible non-contributory leave of absence;

(b) in other cases, the required employee contribution is based on the earnings rate shown on the employer's payroll at the date he avails himself of the option and the current service cost for the member and based on the actuarial valuation report prepared by the actuary and filed with the Régie des rentes du Québec, applicable at the date the member avails himself of the option;

(c) the eligible individual avails himself of the option and selects a method of refund pursuant to the provisions set out in 10.4, except as regards the 180-day time limit, and in accordance with the time limit set out in the Temporary Plan for the Redemption of Non-Contributory Leaves of Absence. The refund must be made while the eligible individual is in continuous service. Notwithstanding the foregoing, for eligible members who are retired at the date they avail themselves of the option, the refund must be made in a single lump sum payment within 90 days following the exercise of the option.

10.11.4 Required employee contributions are as follows:

(a) for an eligible non-contributory leave of absence provided for in 10.11.2*a* and 10.11.2*b*, an amount corresponding to the employee contributions, plus interest;

(b) for an eligible non-contributory leave of absence provided for in 10.11.2*c*, the contribution provided for in 3.6, 10.1, 10.3 or 10.9, as the case may be, plus interest;

(c) for an eligible non-contributory leave of absence provided for in 10.11.2*c* and for which the contribution is not provided for in 3.6, 10.1, 10.3 or 10.9, the required employee contribution is based on the earnings rate shown on the employer's payroll at the date the member avails himself of the option and the current service cost for the member and based on the actuarial valuation report prepared by the actuary and filed with the Régie des rentes du Québec, applicable at the date the member avails himself of the option.

Notwithstanding *c* hereinabove, for union activities and leaves of absence eligible under the Programme de bourses universitaires d'Hydro-Québec, the required employee contribution corresponds to the employee contributions, plus interest.

10.11.5 Any unfunded actuarial liabilities resulting from the Plan in excess of the amounts paid by the eligible individuals, cannot exceed \$ 50,000,000 as of January 1, 2000.

To respect the cumulative limit set out in the preceding paragraph, eligible individuals may redeem eligible leaves of absence, up to the above-mentioned limit, according to the priority set out in 10.11.2.

10.12 Notwithstanding the provisions of 1.21, cumulative interest paid on a redemption amount is as follows:

(a) for redemptions provided for in 10.1, 10.3, 10.5, 10.6, 10.7, 10.8, 10.9 and 11.1, the rate shall correspond to the rate obtained monthly on personal five-year term deposits for chartered banks as reported by the Bank of Canada and for each year in accordance with the provisions of 9.6*a* and 9.6*b*;

(b) for redemptions provided for in 10.11, the rate shall be a fixed rate of 5.43%.

(c) for redemptions provided for in 10.1, 10.3, 10.5, 10.6, 10.7, 10.8, 10.9 and 11.1 and whose date of election of option is later than December 31, 2002, the rate shall be the rate used to establish the current value of a deferred pension as at the date on which the member exercised his option. This rate shall remain in force until the redemption has been fully paid.



## SECTION 11 REHIRING

11.1 Any member who has received a refund of contributions or who would have received such a refund had it not been for the partial or total reduction in employee contributions resulting from 3.4A) pursuant to Section 7 of the plan, of By-law No. 681, of By-law No. 679, of By-law No. 676, of By-law No. 653, of By-law No. 582, of By-law No. 534, of By-law No. 278 or to Section 18 of By-law No. 83 may, if he is rehired, and subject to the provisions of the Income Tax Act and of any regulations adopted by the Government of Canada pursuant thereto, have a portion or all of the years of contributory service prior to his termination of employment counted, provided he returns the amount required, according to the terms and conditions set out in 10.4.

The amount required equals the amount reimbursed to the member upon termination of employment plus interest for the period elapsed between the date of the refund and the date of the first payment for the redemption, multiplied by the number of contributory years that the member wishes to have counted divided by the number of contributory years preceding his termination of employment.

The period redeemed must correspond to the refunded years closest to the year during which the redemption has occurred.

This provision shall not apply to the values of the retirement benefits transferred or refunded under the provisions of Section 7 or 27.7, except in the case of reinstatement following firing, if the pension amounts transferred or refunded, accrued with interest, are paid into the pension fund.

11.2 Any person who receives a retirement benefit under the plan, By-law No. 681, By-law No. 679, By-law No. 676, By-law No. 653, By-law No. 582, By-law No. 534, By-law No. 278 or By-law No. 83 shall cease to receive the retirement benefit if he is rehired as a member prior to his normal retirement date. However, he shall retain all the years of contributory service prior to his retirement date for which he has not received a refund of contributions.

Any person who receives a retirement benefit under the plan, By-law No. 681, By-law No. 679, By-law No. 676, By-law No. 653, By-law No. 582, By-law No. 534, By-law No. 278 or under By-law No. 83 shall cease to receive the retirement benefit if he is rehired as a member after his normal retirement date but before December 1 of the year in which he reaches the age limit

provided for in applicable legislation. Such retirement benefit shall then be postponed pursuant to 5.5 and, where applicable, Section 19.

11.3 Any person who is entitled to a deferred retirement benefit under the plan, By-law No. 681, By-law No. 679, By-law No. 676, By-law No. 653, By-law No. 582, By-law No. 534, By-law No. 278 or By-law No. 83 shall lose his right to such deferred retirement benefit if he is rehired as a member before his normal retirement date. However, he shall retain all the years of contributory service prior to his termination date for which he has not received a refund of contributions.

11.4 Any member who has been retired pursuant to 5.3a ii(2) and who before reaching his 60th birthday becomes capable of carrying out the functions equivalent to those he held prior to his retirement, may be rehired by the employer. If he refuses the position offered him, the retirement benefit he receives shall be replaced by a deferred retirement benefit pursuant to Section 7, even if he does not satisfy the conditions pursuant to 7.1.

11.5 Repealed.

## SECTION 12 MAXIMUM BENEFITS

12.1 From the normal retirement date

12.1.1 The annual pension payable starting from the normal retirement date credited to the member for years of contributory service after December 31, 1991 shall be subject to the limit described in 12.1.2.

12.1.2 The annual pension established in 12.1.1 shall be limited to the defined benefit limit established on the date of event, multiplied by the number of years of contributory service after December 31, 1991.

12.1.3 The limit obtained in 12.1.2 shall be reduced by 0,25% per month, if applicable, for each month between the retirement date and the 1st day of the month coinciding with or immediately following the earliest of these dates :

(a) the date on which the member would have reached his 60th birthday ;

(b) the date on which the member would have completed 30 years of continuous service ;

(c) the date on which the years of continuous service plus the member's age would have totaled 80.

## 12.2 Before the normal retirement date

12.2.1 The annual pension payable from the retirement date up to the normal retirement date credited to the member for the years of contributory service after December 31, 1991 shall be subject to the lower of the limits described in 12.2.2 and 12.2.3.

12.2.2 The first limit referred to in 12.2.1 shall be established on the date of event and shall correspond to the sum of the following amounts :

(a) the defined benefit limit, multiplied by the number of years of contributory service after December 31, 1991 ;

(b) 25% of the average of the year's maximum pensionable earnings of the current year and of the previous 2 years, multiplied by the ratio expressed by the number of years of contributory service after December 31, 1991 over 35 ; this ratio shall not exceed 1.

12.2.3 The second limit referred to in 12.2.1 shall be established on the date of event and shall correspond to the sum of the following amounts :

(a) the annual pension obtained in 12.1 ;

(b) the sum of :

i. the maximum annual pension payable under the Old Age Security Act ;

ii. the maximum annual pension that would be payable to the member under the Act respecting the Québec Pension Plan if he were 65 years of age, multiplied by the ratio of his three-year average compensation to the corresponding average year's maximum pensionable earnings, subject to a maximum of 1

This amount shall be reduced by 0.25% per month, as applicable, for each month between the retirement date and the date of the member's 60th birthday, and multiplied by the ratio representing the member's number of years of continuous service over 10 ; this ratio shall not exceed 1.

12.3 The application of the provisions of 12.1 and 12.2 shall take into account, as the case may be, any pension resulting from the surplus distributed at the time the plan is wound up.

12.4 The application of the provisions of 12.1 and 12.2 shall not take into account, as the case may be, any benefits transferred to the spouse under Section 8 and any lump sum payments made pursuant to 5.6.

12.5 The provisions of 12.1 and 12.2 shall not apply to the part of the annual pension provided from excess contributions determined according to the provisions of 3.5.

12.6 The reductions provided for in 12.1.3 and 12.2.3*b* shall not apply in the case of pension payable for total and permanent disability under 5.3*a* (ii)(2).

12.7 The date of event for the purposes of 12.1 and 12.2 shall correspond to the date pension benefits become payable, except under the following conditions :

(a) in the case of postponed retirement, the normal retirement date shall be used ;

(b) in the case of termination of employment, the date of termination of employment shall be used ;

(c) in the case of dissolution of the plan, the date on which the plan is dissolved shall be used ;

(d) in the case of legal separation, divorce or marriage annulment of a member, the date of the application for legal separation, divorce or marriage annulment shall be used ;

(e) in the case of cessation of a conjugal relationship between a member and his spouse as defined in 1.29*b*, the date on which the conjugal relationship ceased shall be used.

(f) in the case of progressive retirement, the benefit payment date as established under 5.6 shall be used.

12.8 All pension benefits provided under the plan shall be subject to the limits imposed by the Income Tax Act and by any regulations adopted pursuant to that Act regarding pension adjustments.

12.9 The annual pension established in the first paragraph of 18.2 shall be subject to the limits in 12.1 and 12.2, determined using the years of continuous service rather than the years of contributory service.

## SECTION 13 INDEXATION

13.1 On January 1 of each year, the amount of the retirement and survivor benefits being paid under the plan, By-law No. 681, By-law No. 679, By-law No. 676, By-law No. 582, By-law No. 534, By-law No. 278, By-law No. 83 and the supplemental plans shall be updated to reflect the change in the pension index, in the following manner :

(a) The amount of the retirement or survivor benefit expressed as an annual amount and paid as at December 31st of the preceding year shall be multiplied by the greater of:

- i. the pension index for the year in question, reduced by 3%;
- ii. the pension index for the year in question, subject to a maximum of 102%.

Any retirement or survivor benefit, the payment of which has begun during the year, shall be updated on the following January 1st and prorated according to the number of months that have elapsed since payment of the benefit began, with the exception of a survivor benefit paid to the spouse or children of a deceased pensioner, which benefit shall be indexed for the entire year in which it began to be paid.

In the event that a pensioner dies in the year during which he began to receive his retirement benefit, the survivor benefit paid to the spouse or children shall be updated on the following January 1st and prorated according to the number of months that have elapsed since his retirement date.

(b) If the method of calculation of the consumer price index for any particular year is changed, Hydro-Québec shall determine the method of calculation of the pension index for the said year.

13.2 Retirement and survivor benefits paid under a supplemental plan shall be indexed according to this Section only when the adjustment rate provided for in the plan is higher than that provided for in the supplemental plan, and in such case, the indexing shall be based solely on the difference between those adjustment rates.

13.3 Indexation of retirement and survivor benefits under supplemental plans, under Part III of By-law No. 676, under Part III of By-law No. 679, under Part III of By-law No. 681 or under Part III of the plan as provided for under this Section shall not be paid to the pensioner, his spouse or his children under either of the following conditions:

(a) the spouse has not waived the right to the 60% survivor benefit, as this indexation is considered in the actuarial equivalence provided for in 4.4 of By-law No. 534 or in 14.1 of By-law No. 582, of By-law No. 653, of By-law No. 676, of By-law No. 679, of By-law No. 681 or of the plan;

(b) the member or former member has elected, before payment of the pension has begun, to replace it with an annuity whose payment is guaranteed for 10 years, as

this indexation is considered in the actuarial equivalence provided for in 14.2 of the plan.

13.4 Indexation of deferred retirement benefits shall apply in the manner provided for in 13.1a, as of January 1st of the year following the date on which they start to be paid.

13.5 Any retirement benefit not in payment on the normal retirement date or after such date shall also be updated pursuant to 13.1.

13.6 Beginning on January 1, 2001, any member who terminates his employment with the employer before his 55th birthday shall be entitled to receive an additional benefit with respect to his years of credited service after December 31, 2000. This additional benefit shall be equal to the positive difference between:

(a) the present value of the indexed benefit described hereinafter, increased by his excess contributions pursuant to 3.5, calculated as if the member was entitled to this indexed benefit on the date of termination of employment.

For the purposes of this paragraph, the indexed benefit shall be the deferred benefit payable on the normal retirement date, indexed for the period between the date of termination of employment and the member's 55th birthday. This indexation is for the purpose of increasing the amount of the benefit, up to the month of the member's 55th birthday, by a percentage corresponding to 50% of the expected increase of the all-item consumer price index for Canada, not seasonally adjusted, made public by Statistics Canada. This percentage shall not exceed 2% per year;

and

(b) the present value of the benefit to which the member is entitled under the plan on the date of termination of employment, increased by the value of the member's excess contributions as at that date.

The additional benefit to which the member is entitled pursuant to 13.6 is paid as a pension. The amount of the pension is established, at the date of termination of service, on an actuarial equivalence basis of the amount of the additional benefit. The amount of the pension is established to ensure that it will not result in any pension adjustment for past services as defined in the Income Tax Act and Income Tax Regulations for the member.

When the additional benefit is such that the pension arising from it would result in a pension adjustment for past services, the part that may not be used to purchase an annuity is reimbursed to the member on the date of termination of service.

## SECTION 14 OPTIONAL FORMS OF PENSION

### 14.1 Waiver of the spouse's 60% pension.

Prior to the date on which pension payments begin, the employee's spouse, if any, may waive the death benefit provided for in 6.3.2 by so notifying the Committee in writing. This waiver may be revoked by notifying the Committee in writing before the date on which the member's retirement benefit begins.

If the employee's spouse, if any, has not waived the benefit provided for in 6.3.2, the annual pension calculated in Section 4 increased, where applicable, by the pension benefit provided for in 5.2*c*, shall be adjusted on an actuarial equivalence basis with the normal pension provided for in 6.3.1, to pay the spouse a 60% pension.

The provisions of the first paragraph of 6.1 notwithstanding, spousal status for the purposes of application of the above provisions shall be established on the day preceding the date on which the member's retirement benefit begins.

### 14.2 Payment of pension guaranteed for 10 years

A member or former member who retires shall be entitled, before the payment of his pension begins, to replace such pension by a pension whose payment is guaranteed for 10 years. To avail himself of this option, the member or former member must request it in writing before payment of his pension begins.

(*a*) If the employee's spouse, if any, has not waived the benefit provided for in 6.3.2 and, if applicable, the member or former member elects to receive a pension whose payment is guaranteed for 10 years, the annual pension calculated in Section 4 and increased, as the case may be, by the pension provided for in 5.2*c* shall be adjusted to its actuarial equivalent to the normal pension provided for in 6.3.1 to provide the pensioner with a pension whose payment is guaranteed for 10 years.

In such a case and other provisions to the contrary under the plan notwithstanding, if the pensioner dies before the end of the 10-year period, the pension that would have been paid to him were he not deceased shall continue to be paid to his spouse or, if there is none, to his children for the remainder of the 10-year period. After this date, a pension corresponding to 60% of the pension that would have been paid to the pensioner shall be paid to his spouse or, if there is none, to his children. If the pensioner dies without a surviving spouse and surviving children, the present value of the pension payable until the end of the 10-year period shall be paid to his successors.

The provisions of the first paragraph of 6.1 notwithstanding, spousal status for the purposes of application of the above provisions shall be established on the day preceding the date on which the member's retirement benefit begins.

(*b*) If the employee's spouse, if any, has waived the benefit provided for in 6.3.2 and, if applicable, the member or former member elects to receive a pension whose payment is guaranteed for 10 years, the annual pension calculated in Section 4 and increased, as the case may be, by the pension provided for in 5.2*c* shall be adjusted to its actuarial equivalent to the normal pension provided for in 6.3.1 to provide the pensioner with a pension whose payment is guaranteed for 10 years.

In such a case and other provisions to the contrary under the plan notwithstanding, if the pensioner dies before the end of the 10-year period, the pension that would have been paid to him were he not deceased shall continue to be paid to his spouse or, if there is none, to his children for the remainder of the 10-year period. After this date, a pension corresponding to 50% of the pension that would have been paid to the pensioner following the reduction provided for in 4.3 and the termination of the bridging benefit provided for in 4.1A) and 4.6 shall be paid to his spouse or, if there is none, to his children. If the pensioner dies without a surviving spouse and surviving children, the present value of the pension payable until the end of the 10-year period shall be paid to his successors.

### 14.3 Temporary pension

(*a*) A member, a former member or a spouse who is entitled to a pension from the plan and who is at least 55 years old may elect to replace such pension, in whole or in part, with a temporary pension ceasing no later than the last day of the month following the month in which he attains the age of 65.

The annual amount of this temporary pension, including, as the case may be, its variations until age 65, is set by the member, former member or spouse. Each year while it is paid, the amount of such temporary pension may not exceed 40% of the maximum pensionable earnings for the year in which payment of the temporary pension began, less any other temporary benefit payable that year under the plan.

(*b*) Notwithstanding the provisions hereinabove in *a*, the member, former member or spouse who has not attained age 55 and is entitled to a pension under the plan may elect, before its payment has begun, to replace such pension by a pension whose amount is adjusted to take into account the equivalent amount that will be payable under the Old Age Security Act, the Canada

Pension Plan or the Québec Pension Plan. In such a case, the annual amount of the temporary pension payable under the plan shall not exceed the lesser of the following:

- i. 40% of the maximum pensionable earnings for the year in which payment of the temporary pension began;
- ii. the amount that would result from the conversion of the entire lifetime annuity into a temporary pension ending when the member, former member or spouse attains age 65.

Starting on the first day of the month following the month in which the pensioner attains age 55, he shall be entitled to replace the temporary pension payable in accordance with the present paragraph by the temporary pension payable in accordance with *a* hereinabove.

(*c*) The member, former member or spouse who elects to receive a temporary pension in accordance with *a* or *b* hereinabove must so advise the Committee in writing, in accordance with the regulations adopted pursuant to the Supplemental Pension Plans Act. The pensioner who, after the first day of the month following the month in which he attains age 55, elects to replace the temporary pension payable in accordance with paragraph *b* by the temporary pension payable in accordance with *a* hereinabove must also give such written notice.

The amount of pension resulting from the election of the option provided for in *a* and *b* hereinabove shall be the actuarial equivalent of the normal pension payable from the plan.

## SECTION 15 ADMINISTRATION OF THE PLAN

15.1 Administration of the plan shall be the responsibility of the Committee; however, Hydro-Québec, as trustee, shall be responsible for management of the pension fund.

### 15.2 Hydro-Québec Pension Fund

(*a*) The pension fund shall consist of:

- i. funds from the Hydro-Québec Pension Plan, pursuant to By-law No. 681, employee, employer and equalizing contributions, as well as investment income derived therefrom;
- ii. funds paid as a result of an agreement to participate in the plan, pursuant to 29;

and, from January 1, 1999:

- iii. funds from the Pension plan for employees of the Compagnie d'électricité du Sud du Québec;
- iv. funds from the Pension plan for employees of the Compagnie d'électricité du nord du Québec;
- v. funds from the Pension plan for employees of the Compagnie électrique du Saguenay;
- vi. funds from the Pension plan for employees of the Compagnie de Pouvoir du Bas St-Laurent.

(*b*) The Hydro-Québec Pension Fund may receive any amount transferred from a registered plan for the purpose of meeting the obligations pursuant to Sections 10, 11 and 28.

(*c*) All expenses related to the administration of the plan and the management of the fund shall be assumed by the pension fund.

(*d*) Retirement benefits granted by Montreal Light, Heat & Power Consolidated before April 15, 1944 and by Hydro-Québec after this date, under Section 17 of the By-laws of Montreal Light, Heat & Power Consolidated or the benefits payable under By-law No. 12 of Hydro-Québec, shall be paid directly from the pension fund.

(*e*) The payment of benefits shall be a debit to the pension fund.

### 15.3 Accounting

Separate accounts shall be kept for the premiums and contributions resulting from the application of Sections 38 and following of By-law No. 83, of Part II of By-law No. 278, of Part II of By-law No. 534, of Part II of By-law No. 582, of Part II of By-law No. 653, of Part II of By-law No. 676, of Part II of By-law No. 679, of Part II of By-law No. 681 and of Part II of the plan, and for the income derived therefrom, as well as for the payment of related benefits and indexation of said benefits.

Separate accounts shall also be kept for the funds identified in sub-paragraphs (iii) to (vi) of 15.2*a* and their corresponding revenues, for the expenses defined in 15.2*c* attributable to the administration and management of Part III of By-law No. 676, of Part III of By-law No. 679, of Part III of By-law No. 681 or of Part III of the plan, together with the payment of corresponding benefits.

#### 15.4 Management of the pension fund

Hydro-Québec shall manage the pension fund pursuant to the provisions of the Hydro-Québec Act and the applicable provisions of the Supplemental Pension Plans Act. Specifically Hydro-Québec shall:

(a) prepare, within six months of the end of each fiscal year of the plan, a financial report containing a statement of the plan assets and liabilities as well as a statement of revenues and expenses for the fiscal year just terminated. Such report shall be audited by the individuals appointed by the Government of Québec for the auditing of the Hydro-Québec accounts under the Hydro-Québec Act;

(b) prepare a written investment policy that takes into account the characteristics of the plan, its financial liabilities, and the applicable provisions of the Supplemental Pension Plans Act and any regulations adopted pursuant thereto;

(c) determine on the investments to be made with the assets of the plan and ensure that these are made in accordance with the investment policy and applicable legislation;

(d) authorize the payment of amounts required to discharge the obligations pursuant to Section 28;

(e) have the actuary prepare an actuarial valuation of the plan at the latest as at the last fiscal year-end of the plan that falls within three years following the date of the latest actuarial valuation of the plan, or, where the Régie des rentes du Québec so requires, at a date set by the Régie. It shall also have such a valuation prepared at the effective date of the plan and at the effective date of any amendment to the plan which affects its funding or its solvency;

(f) have the actuary prepare a report relating to any actuarial valuation of the plan. Such report shall contain the information as prescribed by the Supplemental Pension Plans Act or any regulations adopted pursuant thereto. Such report shall be sent to the Régie des rentes du Québec no later than 9 months after the end of the fiscal year of the plan or on the date set by the Régie;

(g) provide the Committee with any information it deems necessary for the sound administration of the plan, in particular the financial report provided for in *a* above, and the actuarial valuation report provided for in *f* above.

#### 15.5 Hydro-Québec Pension Committee

(a) The committee shall be made up of 13 voting members, including seven representatives of Hydro-Québec, one independent member and five members elected by the plan members, former plan members and pensioners; three of these five members shall be selected from among the unionized employees who are plan members, one among the non-unionized employees who are plan members, and one among the pensioners or former plan members.

(b) The Committee members elected in accordance with subsection *a* shall be chosen from among the plan members who are not on unpaid temporary leave at the time their candidacies are submitted, and among pensioners and former plan members; they shall be elected in accordance with the procedures set out by the committee. The term of office of such Committee members shall be 3 years, not to exceed 4 years.

(c) The Hydro-Québec representatives on the committee and the independent member shall be appointed by Hydro-Québec. The independent member must qualify pursuant to the provisions of the Supplemental Pension Plans Act.

(d) During the annual meeting provided for in 15.6(n), the plan members, former plan members, pensioners and beneficiaries may choose to appoint additional Committee members to those already elected in accordance with *a* and *b* above. In such case, the plan members may appoint two additional Committee members, one who is entitled to vote and one who is not entitled to vote, and the former plan members, pensioners and beneficiaries may appoint two other committee members, one who is entitled to vote and one who is not entitled to vote. The term of office of such additional Committee members shall cover the period between the date of their appointment and the date of the next annual meeting.

(e) Hydro-Québec shall appoint to the committee additional representatives which number will correspond to the number of voting committee members appointed by the plan members, former plan members, pensioners and beneficiaries pursuant to *d* above. The term of office of such committee members shall be one year.

(f) The committee shall elect its chairman from among the voting Committee members appointed by Hydro-Québec. The Committee shall designate a secretary, who does not have to be a committee member.

(g) Repealed.

(h) A committee member whose term has expired shall remain in office until he is reappointed or replaced. Any new Committee member shall take office as at the first meeting following his election or appointment.

(i) Subject to *e* above, Hydro-Québec representatives on the committee shall remain in office until such time as their successors are appointed.

(j) In the event of any vacancy on the committee, the voting members who remain, if they represent a quorum, may continue to exercise the powers and rights of the committee until such time as a replacement is appointed or elected.

(k) The chairman shall preside over the meetings of the committee, ensure that its decisions are executed, and sign the appropriate documents.

(l) The secretary shall write up the minutes of the committee meetings and shall keep them in the record book maintained for that purpose. He shall be responsible for maintaining all records and books prescribed by the committee.

(m) The quorum for the committee meetings shall be seven voting members when the Committee consists of thirteen voting members, eight when the committee consists of fifteen voting members, and nine when the Committee consists of seventeen voting members, and any decision shall be made by a majority of those voting members present. The chairman shall have the deciding vote in the case of a tie.

(n) With the exception of the independent member, the committee members shall not be entitled to any remuneration.

#### 15.6 Duties of the Committee

Subject to the provisions of 15.1 and 15.4 in respect of the role of trustee of the pension fund exercised by Hydro-Québec, the committee shall have the duties it is assigned under the Supplemental Pension Plans Act, in particular to:

(a) provide the Régie des rentes du Québec with the application for registration of the plan or its amendments, together with the information and documents provided for under the Supplemental Pension Plans Act and any regulations adopted pursuant thereto;

(b) inform the members, former members, pensioners and beneficiaries when it plans to apply for the registration of an amendment to the plan, in accordance with the Supplemental Pension Plans Act and any regulations adopted pursuant thereto;

(c) see to the application of the provisions of the plan;

(d) interpret the provisions of the plan in the case of doubt;

(e) authorize the payment of benefits by Hydro-Québec;

(f) draw up internal rules of procedure in those areas falling within its jurisdiction and, in particular, adopt the procedure for election to the committee of representatives of the plan members, former plan members and pensioners;

(g) hold meetings at least once a month;

(h) prepare an annual report on its activities for Hydro-Québec;

(i) transmit to Hydro-Québec its recommendations for improving the administration of the plan or increasing the efficiency thereof;

(j) allow employees, plan members, former plan members, pensioners, beneficiaries or their agents who so request, to review, during regular business hours, within 30 days following receipt of such written request, any document prescribed by the Supplemental Pension Plans Act and any regulations adopted pursuant thereto, under the terms and conditions established by the act and regulations;

(k) allow employees, plan members, former plan members, pensioners, beneficiaries or their agents who so request, to review, during regular business hours, within 30 days following receipt of such written request, any plan provision in force at any time during the period in which such person was a plan member;

(l) requests for documents or the review of documents may be made free of charge by an individual not more than once in a 12-month period. A fee may be charged for any additional request(s) by an individual within such period;

(m) provide every plan member, within 90 days of his joining the plan or of the date of registration of the plan, with a copy of the applicable provisions of the plan, a description of the rights and obligations of the member as well as a description of the most important benefits of plan membership. In the event of any amendment to the plan, the employer shall provide every plan member, former plan member or pensioner with such document within 90 days of the registration date of the amendment by the Régie des rentes du Québec;

(n) within six months of every fiscal year-end of the plan or within the additional period granted by the Régie des rentes du Québec, convene a meeting, as per the procedure adopted by the committee, by written notice to every member, former member, pensioner, beneficiary and the employer to:

i. inform them of the amendments made to the plan, of any situations in respect of conflicts of interest noted by any committee member, and of the financial status of the plan;

ii. allow the plan members, former plan members, pensioners and beneficiaries to decide whether or not to appoint members to the committee pursuant to 15.5*d*, and, where applicable, proceed with such appointments;

iii. report on its administration;

(o) transmit to every plan member, former plan member, pensioner and beneficiary, no later than 9 months following each fiscal year end, a document summarizing the changes made to the plan provisions during the fiscal year concerned as well as a short description of the rights and obligations that follow from those changes, and a statement containing the information prescribed by the Supplemental Pension Plans Act and any regulations adopted pursuant thereto;

(p) within 60 days of the date on which the committee is informed that a person has ceased to be a plan member, provide such person or provide any other person who is entitled to a refund or to any other benefits with a statement containing the information prescribed by the Supplemental Pension Plans Act and any regulations adopted pursuant thereto;

in addition, within 60 days of a written request to such effect, provide free of charge such statement updated to reflect the most recent data available;

in addition, within 30 days of a written request, provide free of charge the data used to determine such statement or update of same and more particularly those used to calculate the benefits to which he is entitled;

(q) within six months of each fiscal year-end, forward to the Régie des rentes du Québec an annual return with such information as prescribed by the regulations adopted pursuant to the Supplemental Pension Plans Act;

(r) transferred to 15.4*f*;

(s) delegate all or part of its powers, or have itself represented by a third party for any particular action;

(t) within 30 days following the coming into office of a voting committee member appointed by the plan members, former plan members, pensioners or beneficiaries, review the delegations of responsibilities to determine which are to be maintained and which are to be revoked.

#### 15.7 Vacancy

(a) A person shall cease to be a committee member on the occurrence of one of the following:

i. his death;

ii. his termination of employment;

iii. his absence for more than six meetings of the committee in the course of one year;

iv. his resignation, or in the case of a Hydro-Québec representative or of the independent member, revocation of his mandate;

v. when he ceases to belong to the group he represents.

(b) Any committee member may resign by giving the committee prior written notice of a minimum of 30 days.

#### 15.8 Replacement

A vacancy on the committee shall be filled as follows:

(a) in the case of a Hydro-Québec representative and the independent member, the replacement shall be appointed by Hydro-Québec within 60 days of the vacancy;

(b) in the case of a representative of unionized employees, non-unionized employees or pensioners and of former plan members, the replacement shall be the defeated candidate who received the most votes at the most recent election held within the group in question, and this person shall remain in office until the end of the term of the person he replaces;

(c) in the case of a voting committee member appointed during the annual meeting, the committee shall appoint a plan member, former plan member, pensioner or beneficiary to fill the vacancy until the next annual meeting is held.



## PART II SUPPLEMENTARY PROVISIONS

### SECTION 16 INTERPRETATION CLAUSES

16.1 Unless the context indicates otherwise, the terms below shall have the following meaning:

“Vested Pension”: either of the following amounts:

(a) the amount of retirement benefit payable under a supplemental pension plan assuming it is paid to the beneficiary as soon as he is entitled thereto;

(b) the amount of retirement benefit payable under the provisions of Part III of By-law No. 676, of Part III of By-law No. 679, of Part III of By-law No. 681 or of Part III of the plan assuming it is paid to the beneficiary as soon as he is entitled thereto;

(c) the sum of the following amounts calculated pursuant to 4.2, 4.5 and 5.2c:

i. the amount of retirement benefit calculated pursuant to 4.1a and 4.1b;

ii. the amount of retirement benefit calculated pursuant to 4.1c, 4.1d, 4.1A) and 4.6.

“Total Pension”: the sum of the vested pensions.

16.2 Spousal status for the purposes of Part II shall be established in accordance with Sections 6 and 14 of the plan.

### SECTION 17 CONTRIBUTIONS

The contributions required for the complete funding and indexation of the benefits pursuant to Sections 38 and following of By-law No. 83, Part II of By-law No. 278, Part II of By-law No. 534, Part II of By-law No. 582, Part II of By-law No. 653, Part II of By-law No. 676, Part II of By-law No. 679, Part II of By-law No. 681 and Part II of the plan shall be paid entirely by the employer.

The contributions required to the funding and indexation of benefits for retirement at the request of the employer pursuant to 5.3a(ii)(1) shall be paid entirely by the employer. However, in such a case, the unfunded actuarial liability for each such retirement, as calculated immediately prior to the retirement date, and an amount equal to this liability shall be transferred from Part I of the plan to Part II of the plan.

## SECTION 18 RETIREMENT BENEFIT GUARANTEE FORMULA

### 18.1 Eligibility

The following persons shall be deemed eligible for a retirement benefit guarantee formula, with the exception of deferred retirement members and recipients of spousal or children's survivor benefits pursuant to a deferred retirement benefit:

(a) a member in the employ of a subsidiary prior to January 1, 1966, whose effective date of employment is recognized by Hydro-Québec to precede this date, and who retires subsequent to December 31, 2000 pursuant to the plan and who has at least 10 years of credited service or at least 15 years of credited service in the case of a member who retires pursuant to 5.4;

(b) the spouse of a pensioner referred to in a or in 16.1a of By-law No. 534 or in 18.1a of By-law No. 582, of By-law No. 653, of By-law No. 676, of By-law No. 679 or of By-law No. 681 who dies after December 31, 2000;

(c) the spouse of a member in the employ of a subsidiary prior to January 1, 1966, whose effective date of employment which is recognized by Hydro-Québec precedes this date, who dies while still in service after December 31, 2000 and who has at the time of death at least 10 years of credited service.

### 18.2 Calculation method

The purpose of the retirement benefit guarantee formula is to provide:

(a) the eligible member at the time of retirement with a pension at least equal to 2.00% of five-year average earnings times the total number of years of continuous service with Hydro-Québec or a subsidiary, as of the effective date of employment as recognized by Hydro-Québec for the purposes of the plan. However, the pension payable for years of continuous service prior to January 1, 1990 shall be limited to 80% of the five-year average earnings.

If the years of contributory service total less than 5, the five-year average earnings, for the purposes of this Section, shall be calculated pursuant to 1.41, considering, for the purposes of said Section, the years of certified service as years of contributory service and the basic pay received during these years.

If the total pension is less than the amount calculated above, the pensioner shall receive the difference.

If the eligible spouse's right to 60% of the deceased's retirement benefit was not waived pursuant to 4.4 of By-law No. 534 or in 14.1 of By-law No. 582, of By-law No. 653, of By-law No. 676, of By-law No. 679, of By-law No. 681 or of the plan, or if the member has availed himself of the option of receiving a retirement benefit guaranteed for 10 years as provided for in 14.2 of the plan, the amount referred to in the third paragraph above shall be adjusted on an actuarial equivalence basis. If applicable, this amount shall be increased by an additional amount calculated on an actuarial equivalence basis to take into account the guaranteed pension paid for a determined period under a supplemental plan, under Part III of By-law No. 676, under Part III of By-law No. 679, under Part III of By-law No. 681 or under Part III of the plan and the pension, where applicable, pursuant to Section 20.

(b) the eligible spouse referred to in 18.1 with a survivor benefit equal to the greater of the following amounts :

i. 50% of the amount referred to in the first paragraph of 18.2a ;

and

ii. 50% of the total pension.

If the pension payable to an eligible spouse under a supplemental plan, under Part III of By-law No. 676, under Part III of By-law No. 679, under Part III of By-law No. 681 or under Part III of the plan and this plan prior to the application of Part II of the plan is less than the greater of the above amounts, the eligible spouse shall receive the difference.

If the eligible spouse's right to 60% of the deceased's pension was not waived pursuant to 4.4 of By-law No. 534 or to 14.1 of By-law No. 582, of By-law No. 653, of By-law No. 676, of By-law No. 679, of By-law No. 681 or of the plan, the eligible spouse shall receive 60% of the amount referred to in the fourth paragraph of 18.2a.

If the member has availed himself of the option of receiving a retirement benefit guaranteed for 10 years as provided for in 14.2 of the plan, the eligible spouse shall receive, until the 10th anniversary of the retirement date of the member, a survivor benefit equal to the benefit that the pensioner would have received in accordance with the fourth paragraph of 18.2a if he had not died. After that date, the spouse shall receive a survivor benefit equal to 50% of the benefit that would have been payable to the pensioner after the reduction provided for in 4.3 and the end of the bridging benefit provided for in 4.1A) and 4.6, or if the eligible spouse's right to 60% of

the retirement benefit of the deceased was not waived, a survivor benefit equal to 60% of the benefit that would have been payable to the pensioner.

(c) the eligible spouse referred to in 18.1c with a survivor benefit equal to the greater of the following amounts :

i. (1) 50% of the amount referred to in paragraph 1 of 18.2a, prorated according to the total number of years of continuous service between the effective date of employment as recognized by Hydro-Québec for the purposes of the plan and December 31, 1989, over the total number of years of continuous service between said effective date of employment and the date of the eligible member's death ; plus

(2) the survivor benefit resulting from the greater of the following amounts :

(a) the present value of the amount referred to in the first paragraph of 18.2a to which the eligible member was entitled before his death, prorated according to the total number of years of continuous service between January 1, 1990 and the date of the eligible member's death, over the total number of years of continuous service between the effective date of employment as recognized by Hydro-Québec for the purposes of the plan and the date of his death ;

and

(b) the present value of the survivor benefit payable to the eligible spouse. This survivor benefit shall be equal to 50% of the amount referred to in the first paragraph of 18.2a, prorated according to the total number of years of continuous service between January 1, 1990 and the date of the eligible member's death over the total number of years of continuous service between the effective date of employment as recognized by Hydro-Québec for the purposes of the plan and the date of his death.

and

ii. (1) 50% of the vested pension pursuant to 16.1a, 16.1b and 16.1c(i) ; plus

(2) the survivor benefit equal to the greater of the following amounts :

(a) the present value of the survivor benefit payable to the eligible spouse. This survivor benefit is equal to 50% of the retirement benefit credited to the eligible member as at the date of his death pursuant to 16.1c(ii) ;

and

(b) the present value of the retirement benefit to which the eligible member was entitled before his death for years of credited service after December 31, 1989.

If the survivor benefit payable to the eligible spouse under the supplemental plans, under Part III of By-law No. 676, under Part III of By-law No. 679, under Part III of By-law No. 681 or under Part III of the plan and the plan prior to the application of Part II of the plan is less than the greater of the amounts referred to in (i) or (ii) above, the eligible spouse shall receive the difference.

### 18.3 Terms and conditions of application

(a) If an eligible spouse receives a separation allowance following the death of an eligible employee in the service of Southern Canada Power Company, Limited, the retirement benefit guarantee formula shall apply only at the end of the number of weeks used as the basis for calculating the allowance.

If said allowance is less than the amount established pursuant to the last paragraph of 18.2c, the retirement benefit guarantee formula shall not apply during such number of years as obtained by dividing *A* by *B* below :

*A* amount of the separation allowance ;

*B* annual amount of the supplement resulting from the retirement benefit guarantee.

(b) If an eligible spouse's survivor benefit under a supplemental plan, under Part III of By-law No. 676, under Part III of By-law No. 679, under Part III of By-law No. 681 or under Part III of the plan before the application of Part III of the plan is greater than the amount established pursuant to 18.2b(i) or 18.2c(i), only for a limited period of time, the retirement benefit guarantee formula shall apply at the end of this limited period. In the case of an eligible spouse of a pensioner, this paragraph shall apply only if the eligible spouse's right to 60% of the deceased's retirement benefit has been waived and if the pensioner did not avail himself of his right to a benefit guaranteed for 10 years, in accordance with the provisions of 14.2.

(c) If an eligible spouse elects to receive the survivor benefit to which he is entitled under a supplemental plan, under Part III of By-law No. 676, under Part III of By-law No. 679, under Part III of By-law No. 681 or under Part III of the plan as a lump sum payment, said survivor benefit shall be deemed to be paid out for the period provided for in the supplemental plan, under Part III of By-law No. 676, under Part III of By-law No. 679, under Part III of By-law No. 681 or under Part III of the plan, and the retirement benefit guarantee formula shall

apply as pursuant to *b* above. In the case of an eligible spouse of a pensioner, this subsection shall apply only if the eligible spouse's right to 60% of the deceased's retirement benefit has been waived and if the pensioner did not avail himself of his right to a benefit guaranteed for 10 years, in accordance with the provisions of 14.2.

(d) If under a supplemental plan, under Part III of By-law No. 676, under Part III of By-law No. 679, under Part III of By-law No. 681 or under Part III of the plan an eligible spouse is entitled to a refund of contributions, the retirement benefit guarantee formula shall not apply for such number of years as obtained by dividing *A* by *B* below :

*A* total amount of the refund of contributions ;

*B* annual amount of the supplement resulting from the retirement benefit guarantee.

(e) For purposes of the application of 18.2b and 18.2c, any amount payable upon the death of an eligible member or pensioner under a supplemental plan, under Part III of By-law No. 676, under Part III of By-law No. 679, under Part III of By-law No. 681 or under Part III of the plan shall be deemed as being paid to the eligible spouse. In the case of an eligible spouse of a pensioner, this subsection applies only if the eligible spouse's right to 60% of the deceased's retirement benefit has been waived and if the pensioner did not avail himself of his right to a benefit guaranteed for 10 years, in accordance with the provisions of 14.2.

### 18.4 Spouse of a pensioner as at December 31, 1989

(a) Upon the death of a pensioner who is in receipt of a retirement benefit as at December 31, 1989, his eligible spouse shall be entitled, for his lifetime, to a survivor benefit equal to 50% of the retirement benefit payable to the pensioner under a supplemental plan, under Part III of By-law No. 676, under Part III of By-law No. 679, under Part III of By-law No. 681 or under Part III of the plan and 50% of the supplement as calculated pursuant to 15.2a and 15.4b(i) of By-law No. 278, less the amount of survivor benefit paid to the eligible spouse or beneficiary under the supplemental plan, under Part III of By-law No. 676, under Part III of By-law No. 679, under Part III of By-law No. 681 or under Part III of the plan.

(b) The survivor benefit calculated in *a* above shall be subject to the following terms and conditions :

i. if a pensioner with a retirement benefit guaranteed which is payable for a limited period of time under a supplemental plan, under Part III of By-law No. 676, under Part III of By-law No. 679, under Part III of By-

law No. 681 or under Part III of the plan dies before the end of this limited period, his eligible spouse shall be entitled to the excess, if any, between 50% of the sum of the following amounts:

(1) the supplement pursuant to the retirement benefit guarantee formula in force as at December 31, 1989; plus

(2) the retirement benefit payable under a supplemental plan, under Part III of By-law No. 676, under Part III of By-law No. 679, under Part III of By-law No. 681 or under Part III of the plan if said plan or Part III of the plan does not provide for payment of a survivor benefit to the spouse;

and the retirement benefit payable under a supplemental plan, under Part III of By-law No. 676, under Part III of By-law No. 679, under Part III of By-law No. 681 or under Part III of the plan, until the end of the period provided for in the supplemental plan. At the end of this period, the eligible spouse shall be entitled, until death, to the survivor benefit calculated in *a* above.

ii. if the eligible spouse elects to receive the survivor benefit to which he is entitled under a supplemental plan, under Part III of By-law No. 676, under Part III of By-law No. 679, under Part III of By-law No. 681 or under Part III of the plan as a lump sum payment, such benefit shall be deemed to be paid and the eligible spouse shall receive the excess, if any, between 50% of the sum of the following amounts:

(1) the supplement pursuant to the retirement benefit guarantee formula in force as at December 31, 1989; plus

(2) the retirement benefit payable under a supplemental plan, under Part III of By-law No. 676, under Part III of By-law No. 679, under Part III of By-law No. 681 or under Part III of the plan when this plan or Part III of the plan does not provide for payment of a survivor benefit to the spouse;

and the retirement benefit payable under the supplemental plans, under Part III of By-law No. 676, under Part III of By-law No. 679, under Part III of By-law No. 681 or under Part III of the plan, until the end of the period as provided for in the supplemental plan, Part III of By-law No. 676, Part III of By-law No. 679, under Part III of By-law No. 681 or Part III of the plan. At the end of this period, the eligible spouse shall be entitled, for his lifetime, to the benefit as calculated in *a* above.

iii. for the purposes of application of this Section, any amount payable upon the death of a pensioner under a supplemental plan, under Part III of By-law No. 676,

under Part III of By-law No. 679, under Part III of By-law No. 681 or under Part III of the plan shall be deemed as being paid to his eligible spouse.

## SECTION 19

### RETIREMENT BENEFIT GUARANTEE FORMULA - POSTPONED RETIREMENT

19.1 The provisions of this Section 19 shall apply to members or spouses referred to in 18.1.

19.2 If an eligible member remains in the employ of the employer subsequent to his normal retirement date, the supplement resulting from the application of 18.2*a* shall be determined as at the normal retirement date and shall be postponed until the actual retirement date, but no later than December 1 of the year in which the member reaches the age limit provided for by applicable legislation, even if the member remains in the employ of the employer after that date.

19.3 During the postponement period, an eligible member may request payment of the supplement, in full or in part, but only to the extent necessary to compensate for a reduction in earnings, if any, during this period, including any decrease in earnings during such period which is the result of a change in status from a full-time to a part-time schedule or of a reduction of a part-time schedule, and not compensated pursuant to the application of 5.5*b*. The member may not make such a request more than once during any 12 month period.

19.4 The amount of the postponed supplement payable on the retirement date or a date no later than December 1 of the year in which the eligible member reaches the age limit provided for by applicable legislation, shall be equal to the sum of the following amounts:

(*a*) the supplement established as at the normal retirement date pursuant to the provisions of the fourth paragraph of 18.2*a*; plus

(*b*) the retirement benefit determined on an actuarial equivalence basis resulting from the adjustment made to offset the decrease in the value of the benefits by reason of the deferral, during the postponement period of the supplement provided for in *a* above, less, where applicable, any retirement benefit paid pursuant to 19.3.

The accrual of the supplement and the actuarial equivalence shall be determined pursuant to the provisions of 5.5*d*.

19.5 Upon the death of an eligible member subsequent to the normal retirement date but before December 1st of the year in which he reaches the age limit provided for by applicable legislation, the eligible spouse

shall be entitled, for his lifetime, to the greater of the following amounts:

(a) i. the supplement determined pursuant to 18.2c as at the normal retirement date; plus

ii. the retirement benefit determined on an actuarial equivalence basis resulting from the adjustment made to offset the decrease in the value of the benefits by reason of the deferral, during the postponement period, of the supplement provided for in (i) above, less, where applicable, any benefits paid pursuant to 19.3;

and

(b) i. the supplement determined pursuant to 18.2b as at the normal retirement date; plus

ii. the retirement benefit determined on an actuarial equivalence basis resulting from the adjustment made to offset the decrease in the value of the benefits by reason of the deferral, during the postponement period, of the supplement provided for in (i) above, less, where applicable, any benefits paid pursuant to 19.3.

19.6 Upon the death of a pensioner who retired subsequent to his normal retirement date or who died while still in the employ of the employer after December 1st of the year in which he reaches the age limit provided for by applicable legislation, the eligible spouse shall be entitled, for his lifetime, to the sum of the following amounts:

(a) the supplement determined in 18.2b as at the normal retirement date and revised pursuant to Section 13;

(b) i. 60% of the retirement benefit of the deceased determined pursuant to 19.4b and as revised pursuant to Section 13, or 50% if the eligible spouse's right to 60% of the retirement benefit of the deceased has been waived pursuant to 4.4 of By-law No. 534 or to 14.1 of By-law No. 582, of By-law No. 653, of By-law No. 676, of By-law No. 679, of By-law No. 681 or of the plan or if the pensioner had no spouse as at normal retirement date, and as revised pursuant to Section 13.

ii. if the pensioner has availed himself of the right to a retirement benefit guaranteed for 10 years as provided for in 14.2 of the plan, the amount determined pursuant to 19.4b and as revised pursuant to Section 13 that would have been payable to the pensioner if he had not died, until the 10th anniversary of the pensioner's retirement and, after that date, a survivor benefit equal to 50% or, if the eligible spouse right to 60% of the retirement benefit of the deceased was not waived, a survivor benefit equal to 60% of the benefit that would have been payable to the pensioner.

19.7 The provisions of 18.3 shall apply, mutatis mutandis, to the survivor benefit payable to a spouse pursuant to 19.5 and 19.6.

## SECTION 20 MINIMUM RETIREMENT BENEFIT

### 20.1 Eligibility

Subject to the provisions of 20.2, the following persons shall be deemed eligible for an increase in benefits resulting from the application of the minimum retirement benefit:

(a) the pensioner who begins receiving a retirement benefit after December 31, 2000;

(b) the spouse of any pensioner deceased after December 31, 2000;

(c) the spouse of any member deceased after December 31, 2000 whose years of contributory service plus years of certified service is greater than or equal to 10 years.

20.2 The following persons shall not be eligible for an increase in benefits resulting from the application of the minimum retirement benefit:

(a) the beneficiary of a deferred retirement benefit or of a benefit payable to a spouse or child resulting from a deferred retirement benefit;

(b) the member who retires with less than 10 years of credited service;

(c) the member who retires pursuant to the provisions of 5.4a and 5.4b.

(d) the spouse of a member who retired pursuant to the provisions of 5.4a and 5.4b.

### 20.3 Method of calculation

(a) The total pension paid to the eligible pensioner or eligible spouse under the plan, By-law No. 681, By-law No. 679, By-law No. 676, By-law No. 653, By-law No. 582, By-law No. 534, By-law No. 278, By-law No. 83 and the supplemental plans shall be increased, where applicable, in order to guarantee a minimum annual pension of \$ 2,200.

(b) The increase resulting from the application of this Section shall be allocated proportionally to the years of credited service prior to January 1, 1990 and the years of credited service subsequent to December 31, 1989 over the total years of credited service.

#### 20.4 Terms and conditions of application

(a) If the pension of any eligible person under 20.1 is greater than the minimum pension only for an established period of time, the minimum pension shall apply at the end of such period.

(b) The amount of the increase shall be calculated on the assumption that a member's vested pension under a supplemental plan, under Part III of By-law No. 676, under Part III of By-law No. 679, under Part III of By-law No. 681 or under Part III of the plan is paid upon his becoming eligible therefor.

(c) For the purposes of the determination of the minimum survivor benefit payable to an eligible spouse, any amount payable under a supplemental plan, under Part III of By-law No. 676, under Part III of By-law No. 679, under Part III of By-law No. 681 or under Part III of the plan shall be deemed paid to the eligible spouse.

(d) The amount of the increase is calculated without taking into account any benefit transferred to the spouse under Section 8, as well as any lump sum payment made pursuant to 5.6.

20.5 The increase provided for in this Section shall not be granted to an eligible pensioner or his eligible spouse if the spouse's right to 60% of the deceased's retirement benefit has not been waived or if the eligible pensioner has availed himself of his right to a benefit guaranteed for 10 years, such increase being included pursuant to the provisions of the fourth paragraph of 18.2a.

#### **SECTION 21 SPECIAL PROVISIONS**

21.1 For the purposes of calculating the vested pension and total pension, as well as the supplements and increases established pursuant to the retirement benefit guarantee formula and minimum retirement benefit, the following items shall not be taken into consideration:

(a) any annuities purchased by the member with additional or voluntary contributions under a supplemental plan, under Part III of By-law No. 676, under Part III of By-law No. 679, under Part III of By-law No. 681 or under Part III of the plan;

(b) any options exercised by the beneficiary in respect of terms of payment;

(c) any amount resulting from the application of Section 13;

(d) the adjustment provided for in 4.4 of By-law No. 534, applied to the benefit under this plan or under a supplemental plan to grant a spouse a survivor benefit equal to 60% of the deceased's retirement benefit;

(e) the benefit provided for in 4.5 of By-law No. 534 and 4.4 of By-law No. 582, of By-law No. 653, of By-law No. 676, of By-law No. 679, of By-law No. 681 or of the plan;

(f) options pursuant to Section 14 of By-law No. 582, of By-law No. 653, of By-law No. 676, of By-law No. 679, of By-law No. 681 or of the plan.

21.2 If a pensioner dies without a spouse after December 31, 1989, or if the surviving spouse dies after this date, the survivor benefit payable to the spouse provided for in Part II of the plan shall be paid to the children.

21.3 If a member dies without a spouse after December 31, 1989:

(a) the survivor benefit payable to the spouse under Part II of the plan, based on the years of credited service prior to January 1, 1990, shall be paid to the children;

(b) the present value of the retirement benefit to which the member was entitled prior to his death under Part II of the plan, based on the years of credited service after December 31, 1989, shall be paid to successors.

21.4 Upon the death of a pensioner who retired prior to January 1, 1990 and who received a retirement benefit under a supplemental plan, under Part III of By-law No. 676, under Part III of By-law No. 679, under Part III of By-law No. 681 or under Part III of the plan, Sections 38 and subsequent of By-law No. 83, Part II of By-law No. 278, the survivor benefit to which his spouse is entitled shall be increased by 50% of the amount of indexation to which the pensioner was entitled for such retirement benefit at the date of his death.

Upon the death of a pensioner who retired after December 31, 1989 but prior to January 1, 2001, or upon the death of a pensioner who retired as of January 1, 2001 and who did not avail himself of the option of receiving a retirement benefit guaranteed for 10 years in accordance with the provisions of 14.2 of the plan, and who received a retirement benefit under Part II of By-law No. 534, Part II of By-law No. 582, Part II of By-law No. 653, Part II of By-law No. 676, Part II of By-law No. 679, Part II of By-law No. 681 or Part II of the plan, the survivor benefit to which his spouse is entitled shall be increased by 60% of the amount of indexation to which the pensioner was entitled for such retirement benefit at the date of his death. If the spouse's right to

60% of the deceased's retirement benefit has been waived, the spouse's survivor benefit shall be increased by 50% of the amount of indexation to which the member was entitled under a supplemental pension plan, Part III of By-law No. 676, Part III of By-law No. 679, Part III of By-law No. 681 or Part III of the plan and Part II of By-law No. 534, Part II of By-law No. 582, Part II of By-law No. 653, Part II of By-law No. 676, Part II of By-law No. 679, Part II of By-law No. 681 or Part II of the plan.

Upon the death of a pensioner who retired after December 31, 2000, who availed himself of the option of receiving a retirement benefit guaranteed for 10 years in accordance with the provisions of 14.2 of the plan and who received a retirement benefit under Part II of the plan, to the survivor benefit to which his spouse is entitled shall be added the amount of indexation, if any, to which the pensioner was entitled at the date of his death, such indexation to be added until the tenth anniversary of the pensioner's retirement. After that date, to the survivor benefit to which his spouse is entitled shall be increased by 60% of the amount of indexation to which the pensioner would have been entitled for such retirement benefit on that date had he not died. If the spouse's right to 60% of the deceased's retirement benefit has been waived, the spouse's survivor benefit shall be increased by 50% of the amount of indexation to which the member was entitled under Part III of the plan and Part II of the plan.

21.5 Benefits in this Part shall be subject to the Income Tax Act and to any regulations adopted pursuant to this Act.

### **PART III PROVISIONS REGARDING THE SUBSIDIARIES' MERGED PLANS**

#### **SECTION 22 PENSION PLAN FOR EMPLOYEES OF THE COMPAGNIE D'ÉLECTRICITÉ DU SUD DU CANADA LTÉE**

22.1 Provisions of Section 22 are added to the Hydro-Québec Pension Plan further to the merger of the Compagnie d'électricité du sud du Canada Ltée Employees Pension Plan with the Hydro-Québec Pension Plan. These provisions correspond to the provisions of the Compagnie d'électricité du sud du Canada Ltée Employees Pension Plan with the required adaptations. Subject to applicable legislation, benefits payable to an employee who has left the Company prior to January 1, 1999 are determined according to provisions of the Southern Canada Power Company Limited Employees Pension Plan or the Compagnie d'électricité du sud du Canada Ltée Employees Pension Plan, as the case may be. Provisions of this Section apply only to benefits

arising from participation in the Compagnie d'électricité du sud du Canada Ltée Employees Pension Plan.

#### **22.2 Definitions**

For purposes of Section 22, the following terms mean :

“Company”: the Compagnie d'électricité du sud du Canada Ltée and its subsidiary, the Compagnie de chemins de fer et d'électricité de Sherbrooke Ltée, its successors or assigns;

“Employee”: a permanent employee of the Company of either gender. An active employee at December 31, 1965 who participates in the Hydro-Québec Pension Plan as of January 1, 1966 remains an employee for purposes of this Section 22, even if he becomes employed by Hydro-Québec or of one of its subsidiaries;

“Normal retirement age”: sixty-five (65) years old for men and sixty (60) years old for women;

“Participation date”: the date set in the agreement between the Company and Hydro-Québec from which Company employees became members of the Hydro-Québec Pension Plan, i.e., January 1, 1966;

“Pensioner”: a person, other than a spouse, a beneficiary or a successor, receiving pension benefits under the Southern Canada Power Company Limited Employees Pension Plan or the Compagnie d'électricité du sud du Canada Ltée Employees Pension Plan or under this Section 22.

#### **22.3 Special provisions**

Employees in active service on the participation date have ceased to accrue pension credits under the Southern Canada Power Company Limited Employees Pension Plan and the Compagnie d'électricité du Sud du Canada Ltée Employees Pension Plan.

Employees in active service on the participation date retain all their pension credits for service or participation prior to that date. These credits will be paid to them according to provisions of this Section 22.

Where Section 22 mentions the average of an employee's total monthly earnings received during his last 10 years of service, it means the average of total monthly earnings received by an active employee on participation date for his last 10 years of service in the employment of either the Company or Hydro-Québec.

For purposes of this Section 22, years of service accrued after the participation date by permanent or regular employees of Hydro-Québec or one of its sub-

subsidiaries count as years of service with the Company for purposes of establishing the right to a pension, but not to establish the amount of such pension. In this case, only the years of service prior to January 1, 1966 are computed.

#### 22.4 Benefits

##### (a) Normal Retirement

Employees who have reached normal retirement age and who have been continuously employed by the Company for 10 years or more are entitled, from the first day of the month following the month during which they have reached the normal retirement age, to a monthly pension equal to 1% for each year of service with the Company, based on their average total monthly earnings during their last 10 years of service, subject to a minimum of \$ 50 per month or 50% of the average of such monthly earnings, whichever is lower.

The determination of any additional amount required to bring the pension benefits to the \$ 50 monthly minimum takes into account the amount of pension paid under Part I and Part II of the Plan, excluding any additional amount payable on account of provisions regarding minimum pension or half-pension.

##### (b) Early retirement at the request of the employee

An employee who has reached 55 years of age and has been continuously employed by the Company for a period of 15 years or more may retire at any time prior to his normal retirement date. In such a case, the monthly pension payable from the first day of the month following his retirement is equal to 1% for each year of service with the Company, based on the average of his total monthly earnings during the last 10 years of service, multiplied by a factor determined as per the following table:

Age on due date of first monthly payment	Factor	
	Men	Women
55	0.60	0.80
56	0.64	0.84
57	0.68	0.88
58	0.72	0.92
59	0.76	0.96
60	0.80	1.00
61	0.84	
62	0.88	
63	0.92	
64	0.96	
65	1.00	

Age is computed in complete months ; where required, the factor is determined using straight line interpolation. In such a case, however, the minimum monthly pension provision set out under *a* above does not apply.

##### (c) Early retirement at the request of the employer

An employee who has reached 55 years of age and has been continuously employed by the Company for a period of 15 years or more may be retired by the employer before having reached his normal retirement age. In such a case, the monthly pension payable from the first day of the month following his retirement is equal to 1% for each year of service with the Company, based on the average of his total monthly earnings during the last 10 years of service, multiplied by a factor determined as per the following table:

Age on due date of first monthly payment	Factor	
	Men	Women
55	0.80	0.90
56	0.84	0.92
57	0.88	0.94
58	0.86	0.96
59	0.88	0.98
60	0.90	1.00
61	0.92	
62	0.94	
63	0.96	
64	0.98	
65	1.00	

Age is computed in complete months ; where required, the factor is determined using straight line interpolation. In such a case, however, the minimum monthly pension provision set out under *a* does not apply.

##### (d) Disability benefits

An employee who has been continuously employed by the Company for 10 years or more, and who can no longer perform his regular tasks on account of physical or intellectual disability, is entitled (but only during the period where such physical or intellectual disability prevents him from going back to full active service with the Company) to receive a monthly retirement pension equal to 1% for each year of service with the Company, based on the average of his total monthly earnings during the last 10 years of service. In such a case, however, the minimum monthly pension provision set out under *a* above does not apply.

##### (e) Death benefits



On the death of a male employee who was receiving a pension pursuant to *a* above, a monthly pension equal to half the monthly pension payable to such employee is paid to his widow for life. Such half-pension is not payable to widows of employees who retired prior to September 23, 1955.

On the death of a male employee who was receiving or was entitled to a pension pursuant to *b* above, a monthly pension equal to half the monthly pension payable to such employee if he was retired or to half the pension which he would have been entitled to had he retired on the date immediately preceding the date of his death, pursuant to the provisions of *b* above, is paid to his widow for life. Such half-pension only applies to widows of employees who become entitled to a pension pursuant to *b* above on or after December 1, 1962.

On the death of a male employee who was receiving a pension pursuant to *c* above, a monthly pension equal to half the monthly pension payable to such employee pursuant to the provisions of *c* above is paid to his widow for life. Such half-pension only applies to widows of employees who retired pursuant to *c* above on or after December 1, 1962.

On the death of a male employee who was in active service with the Company on December 1, 1962 and who, after this date and while in active service with the Company, became eligible to a pension pursuant to *d* above, a monthly pension equal to the product of (i) and (ii) below is paid to his widow for life.

- i. the monthly pension payable to such pensioner, and
- ii. a factor of:  $0.01 \times X - 0.15$

(Where X is the age of the retired employee in complete years at the date on which the Company began paying him the pension to which he was entitled pursuant to *d* above.)

#### 22.5 Miscellaneous provisions

(*a*) Subject to the provisions of *f* below, the pension payment commencement date is the first day of the month following the month during which the employee retired, or any other date determined by the Committee. The pension payment commencement date for any widow, as established above, is the first day of the month following the month during which the employee died.

(*b*) Subject to the provisions of 22.4*d*, employee retirement pensions granted to employees are paid from the retirement date until death.

(*c*) The service period includes fractions of year.

(*d*) Leaves of absence or temporary lay-offs due to staff reductions, or leaves to satisfy military obligations are not considered as breaks in service.

(*e*) Former employees who left the service of the Company on or after December 1, 1962 with more than 15 years of continuous service and who are rehired lose only the period during which they were not in the service of the Company.

(*f*) Termination benefits

Any employee having reached 45 years and counting 15 years or more of continuous service who terminated employment with the Company on or after December 1, 1962 is entitled to a monthly pension payable from his normal retirement age. This pension is equal to 1% for each year of service with the Company, based on the average of the employee's total monthly earnings during the last 10 years of service. In such a case, however, the minimum monthly pension provision set out under 22.4*a* does not apply. The retirement pension set out in this paragraph *f* is not payable to employees who already receive a pension under 22.4*d*.

22.6 This Section adds to the preceding provisions of Section 22, without reducing the rights conferred by such Section 22.

(*a*) Deferred pension

Any employee who meets the following conditions at the time he leaves the service of the employer is entitled to a deferred pension at least equal to the monthly pension payable from the normal retirement age :

- i. having reached 45 years of age but not the normal retirement age;
- ii. having completed at least 10 years of continuous service.

(*b*) Early retirement

An employee who has completed a minimum of 10 years of continuous service and whose period of continuous service ends in the 10 years immediately preceding the date on which he attains the normal retirement age is entitled to receive an early retirement pension. The early retirement pension is the actuarial equivalent of the pension payable at normal retirement age.

(*c*) Postponed retirement

An employee who remains in the employer's service after his normal retirement date may retire as of the first day of any month following this date. The employee's monthly retirement benefit shall be postponed until his actual retirement date, but no later than December 1 of the year in which the employee reaches the age limit provided for in applicable legislation, even if he remains in the employer's service after this date. The amount of the postponed retirement benefit is an actuarial equivalent based on the retirement benefit payable at normal retirement age and the length of the postponement period.

During the postponement period, the employee may request payment in whole or in part of his retirement benefit, but only insofar as is necessary to compensate for any reduction in earnings during this period. The employee may not make such request more than once per 12-month period.

Should the employee die during the postponement period, his spouse is entitled to a pension, the value of which is equal to the value of the pension that would have been payable to the employee, had payment of the pension began on the day preceding the date of death.

(d) Spousal pension

Upon the death of a pensioner who had retired after December 31, 1989 or of an employee whose period of continuous service had ended after this date and who is expecting the commencement of a benefit payable pursuant to Section 22, and provided the employee's spouse has not waived the right to a 60% pension at the time of the employee's retirement pursuant to Part I, the employee's spouse shall receive a lifetime pension equal to 60% of the pension that the pensioner was receiving or was entitled to receive at the time of his death, such pension being the actuarial equivalent of the pension he would have been entitled to receive in the absence of the right conferred herein to the spouse.

Prior to the date on which pension payments begin, the employee's spouse, if any, may waive the right to a spousal pension by so notifying the Committee in writing. This waiver may be revoked by notifying the Committee in writing within the period provided for above.

(e) Payment of benefits and transfer

The provisions of 7.9, 7.10, 7.11, 7.12, 7.13, 7.14 and 27.7 apply, mutatis mutandis, to the benefits provided under Section 22.

(f) Payment of retirement benefits guaranteed for 10 years

The provisions of 14.2 of the plan also apply, mutatis mutandis, to the benefits provided under Section 22.

(g) Spouse

Spousal status for the purposes of 22.6 shall be established in accordance with Sections 6 and 14 of the plan.

(h) Designation of ex-spouse as beneficiary

The provisions of 6.2.5c and 6.3.3b of the plan also apply, mutatis mutandis, to the benefits provided under Section 22.

(i) Partition of entitlements between spouses and adjustment of the pensioner's entitlements

The provisions of Section 8 also apply, mutatis mutandis, to the benefits provided under Section 22.

**SECTION 23**  
PENSION PLAN FOR EMPLOYEES OF  
THE COMPAGNIE D'ÉLECTRICITÉ DU NORD  
DU QUÉBEC LIMITÉE

23.1 Provisions of Section 23 are added to the Hydro-Québec Pension Plan further to the merger of the Compagnie d'électricité du nord du Québec Limitée Employees Pension Plan with the Hydro-Québec Pension Plan. These provisions correspond to the provisions of the Compagnie d'électricité du nord du Québec Limitée Employees Pension Plan, with the required adaptations. Subject to applicable legislation, benefits payable to an employee who has left the Company prior to January 1, 1999 are based on the provisions of the northern Quebec Power Company, Limited Employees Pension Plan or the Compagnie d'électricité du nord du Québec Limitée Employees Pension Plan, as the case may be. The provisions of this Section apply only to benefits arising from participation in the Compagnie d'électricité du nord du Québec Limitée Employees Pension Plan.

23.2 Definitions

For purposes of Section 23, the following terms mean:

"Company": the Compagnie d'électricité du nord du Québec Limitée, its successors or assigns;

"Employee": a permanent employee of the Company of either gender. An active employee at December 31, 1965 who participates in the Hydro-Québec Pension Plan from January 1, 1966 continues to be an employee for purposes of this Section 23, even if he becomes employed by Hydro-Québec or of one of its subsidiaries.

“Normal retirement age”: sixty-five (65) years old for men and sixty (60) years old for women;

“Participation date”: the date set in the agreement between the Company and Hydro-Québec from which the Company employees become members of the Hydro-Québec Pension Plan, i.e., January 1, 1966;

“Pensioner”: a person, other than a spouse, a beneficiary or a successor, receiving pension benefits under the northern Quebec Power Company, Limited Employees Pension Plan or the Compagnie d’électricité du nord du Québec Limitée Employees Pension Plan or under this Section 23.

### 23.3 Special provisions

Employees in active service on the participation date have ceased to accrue pension credits under the northern Quebec Power Company, Limited Employees Pension Plan and the Compagnie d’électricité du nord du Québec Limitée Employees Pension Plan.

Employees in active service on the participation date retain all their pension credits for service or participation prior to that date. These credits will be paid to them according to the provisions of this Section 23.

Where Section 23 mentions the average of an employee’s total monthly earnings received during his final 10 years of service, it means the average of total monthly earnings received by an active employee on participation date during his last 10 years of service in the employment of either the Company or Hydro-Québec.

For purposes of this Section 23, years of service accrued after the participation date by permanent or regular employees of Hydro-Québec or one of its subsidiaries count as years of service with the Company for purposes of establishing the right to a pension, but not to establish the amount of such pension. In this case, only the years of service prior to January 1, 1966 are computed.

### 23.4 Benefits

#### (a) Normal retirement

Employees who have reached normal retirement age and who have been continuously employed by the Company for 10 years or more are entitled to the payment of the accrued pension.

#### (b) Disability pension

Employees who have been continuously employed by the Company for a period of 10 years or more and who can no longer perform their regular tasks on account of physical or intellectual disability are entitled to receive payment of their accrued pension (but only during the period where such physical or intellectual disability prevents them from going back to full active service with the Company).

#### (c) Accrued pension

The amount of the monthly pension is 1% for each year of service with the Company, based on the employee’s average total monthly earnings during his last 10 years of service, subject to a minimum of \$ 50 per month or 50% of the average of such monthly earnings, whichever is lower.

The determination of any additional amount required to bring the pension benefits to the \$ 50 monthly minimum takes into account the amount of pension paid under Part I and Part II of the Plan, excluding any additional amount payable on account of provisions regarding minimum pension or half-pension.

#### (d) Death benefits

On the death of a male employee who was receiving a pension pursuant to *a* above, a monthly pension equal to half the monthly pension payable to such employee is paid to his widow for life. Such half-pension is not payable to widows of employees who retired prior to January 1, 1956.

### 23.5 Miscellaneous provisions

(a) The pension payment commencement date is the first day of the month following the month during which the employee retired, or any other date as determined by the Committee.

(b) Retirement pensions granted to employees are paid from the employees retirement dates until death.

(c) The service period includes fractions of year.

(d) Leaves of absence or temporary lay-offs due to staff reductions, or leaves to satisfy military obligations are not considered as breaks in service.

(e) Former employees counting 20 years or more of continuous service who have left and been rehired by the Company lose only the period during which they were not employed by the Company.

*(f) Termination benefits*

Any employee aged 50 or more having completed 20 years or more of continuous service with the Company is entitled to a monthly pension payable from his normal retirement age if he terminates his employment prior to normal retirement age. This monthly pension is based on accrued service as of the first of the following dates:

- i. the employee's termination date, or
- ii. the employee's date of participation.

However, in such cases, the provision relevant to the minimum monthly retirement benefit pursuant to 23.4c does not apply.

23.6 This section adds to the preceding provisions of Section 23, without reducing the rights conferred by such Section 23.

*(a) Deferred pension*

Any employee who meets the following conditions at the time of his termination of employment at the employer's service is entitled to a deferred pension at least equal to the monthly pension payable from the normal retirement age:

- i. having reached age 45, but not the normal retirement age;
- ii. having completed at least 10 years of continuous service.

*(b) Early retirement*

An employee who has completed a minimum of 10 years of continuous service and whose period of continuous service ends in the 10 years immediately preceding the date on which he reaches his normal retirement age is entitled to receive an early retirement pension. The early retirement pension is the actuarial equivalent of the pension payable at normal retirement age.

*(c) Postponed retirement*

An employee who remains in the employer's service after his normal retirement date may retire as of the first day of any month following this date. The monthly retirement benefit of the employee shall then be postponed until his actual retirement date, but no later than December 1 of the year in which the employee reaches the age limit provided for in applicable legislation, even

if he remains in the employer's service after this date. The amount of the postponed retirement benefit is an actuarial equivalent based on the retirement benefit payable at normal retirement age and the length of the postponement period.

During the postponement period, the employee may request the total or partial payment of his retirement benefit, but only insofar as is necessary to compensate for any reduction in earnings during this period. The employee may not make such request more than once in any 12-month period.

Should the employee die during the postponement period, his spouse is entitled to a pension, the value of which is equal to the value of the pension that would have been payable to the employee, had payment of the pension began on the day preceding the date of death.

*(d) Spousal pension*

Upon the death of a pensioner who had retired after December 31, 1989 or of an employee whose period of continuous service had ended after this date and who is expecting the commencement of a benefit payable pursuant to Section 23, and provided the spouse has not waived the right to a 60% pension at the time of the employee's retirement pursuant to Part I, the employee's spouse shall receive a lifetime pension equal to 60% of the pension that the pensioner was receiving or was entitled to receive at the time of his death, such pension being the actuarial equivalent of the pension he would have been entitled to receive in the absence of the right conferred herein to the spouse.

Prior to the date on which pension payments begin, the employee's spouse, if any, may waive the right to a spousal pension by so notifying the Committee in writing. This waiver may be revoked by notifying the Committee in writing within the period provided for above.

*(e) Payment of benefits and transfer*

The provisions of 7.9, 7.10, 7.11, 7.12, 7.13, 7.14 and 27.7 apply, mutatis mutandis, to the benefits provided under Section 23.

*(f) Spouse*

Spousal status for the purposes of 23.6 shall be established in accordance with Sections 6 and 14 of the plan.

*(g) Designation of ex-spouse as beneficiary*

The provisions of 6.3.3b of the plan also apply, mutatis mutandis, to the benefits provided under Section 23.

(h) Partition of entitlements between spouses and adjustment of the pensioner's entitlements

The provisions of Section 8 also apply, mutatis mutandis, to the benefits provided under Section 23.

## **SECTION 24**

### **PENSION PLAN FOR EMPLOYEES OF THE COMPAGNIE ÉLECTRIQUE DU SAGUENAY**

24.1 The provisions of Section 24 are added to the Hydro-Québec Pension Plan further to the merger of the Compagnie électrique du Saguenay Employees Pension Plan with the Hydro-Québec Pension Plan. These provisions correspond to the provisions of the Compagnie électrique du Saguenay Employees Pension Plan, with the required adaptations. Subject to applicable legislation, benefits payable to an employee who has left the Company prior to January 1, 1999 are based on the provisions of the Supplément à la caisse de retraite et d'assurance-vie des employés de la Compagnie électrique du Saguenay or the Compagnie électrique du Saguenay Employees Pension Plan, as the case may be. The provisions of this Section apply only to benefits arising from participation in the Compagnie électrique du Saguenay Employees Pension Plan.

#### 24.2 Definitions

For purposes of Section 24, the following terms mean:

“Company”: the Compagnie électrique du Saguenay, its successors or assigns;

“Employee”: a permanent employee of the Company of either gender. An active employee at December 31, 1965 who participates in the Hydro-Québec Pension Plan since January 1, 1966 continues to be an employee for purposes of the Supplément à la caisse de retraite et d'assurance-vie des employés de la Compagnie électrique du Saguenay even if he becomes employed by Hydro-Québec or of one of its subsidiaries;

“Normal retirement age”: sixty-five (65) years old for men and sixty (60) years old for women;

“Participation date”: the date set in the agreement between the Company and Hydro-Québec from which Company employees become members of the Hydro-Québec Pension Plan, i.e., January 1, 1966;

“Pension and life insurance fund”: the plan or funds accumulated as of January 1, 1966 under any of the following contracts:

— Contract No. G.22 issued by the Department of Labour of Canada, Annuities Branch

— Policy No. 8918 G., issued by Sun Life Assurance Company of Canada

— Policy No. P.W. 10805, issued by the Standard Life Assurance Company;

“Pensioner”: a person, other than a spouse, a beneficiary or a successor, receiving pension benefits under the Supplément à la caisse de retraite et d'assurance-vie des employés de la Compagnie électrique du Saguenay or the Compagnie électrique du Saguenay Employees Pension Plan;

#### 24.3 Special provisions

Employees in active service on the participation date have ceased to accrue pension credits under the Supplément à la caisse de retraite des employés de la Compagnie électrique du Saguenay or the Compagnie électrique du Saguenay Employees Pension Plan.

Employees in active service on the participation date retain all their pension credits for service or participation prior to that date. These credits will be paid to them according to the provisions of this Section 24.

For purposes of this Section 24, years of service accrued after the participation date by permanent or regular employees of Hydro-Québec or one of its subsidiaries count as years of service with the Company for purposes of establishing the right to a pension, but not to establish the amount of such pension. In this case, only the years of service prior to January 1, 1966 are computed.

#### 24.4 Benefits

##### (a) Retirement benefits

Employees in active service on December 31, 1965 who become members of the Hydro-Québec Pension Plan after that date are entitled to a retirement pension equal to the difference between the amount of pension accrued to them under the pension and life insurance fund before any option and the amount established as follows, if such amount is higher:

1.5% of the annual average earnings for the 36 consecutive months during which such earnings are the highest, whether these months have been spent in the service of the Company, Hydro-Québec or one of its subsidiaries, multiplied by the number of years of credited service prior to January 1, 1966, up to 50% of such average annual earnings. However, a deduction is made for any pension payable under the Federal Old Age Security Act at the time the employee retires, such government pension being reduced for purposes of this cal-

cultation in proportion of the number of years of credited service as of January 1, 1966 over such number increased by the number of years of participation from such date.

(b) Early retirement reduction

Should the employee retire prior to his normal retirement date, any pension benefits payable under 24.4a shall be reduced by actuarial equivalence, as shall be any retirement income to which he may be entitled to receive from the retirement and life insurance fund.

(c) Death after retirement

In the event of the death of an employee before 60 monthly pension payments have been made, the remaining monthly payments will continue to be made to his designated beneficiaries or, failing that, to his successors, until 60 monthly payments have been made in total.

24.5 Miscellaneous provisions

The provisions, definitions, conditions and privileges set out under the pension and life insurance fund shall also apply to the benefits provided for under this Section 24 unless it is obvious that they are not applicable or that the provisions of Section 24 are contrary to such provisions, definitions, conditions and privileges or different in nature. In any instance where interpretation is required, the decision of the Committee is final.

24.6 This section adds to the preceding provisions of Section 24, without reducing the rights conferred by such Section 24.

(a) Deferred pension

Is entitled to a deferred pension at least equal to the monthly pension payable from the normal retirement age any employee who meets the following conditions at the time he leaves the service of the employer:

- i. having attained age 45, but not the normal retirement age;
- ii. having completed at least 10 years of continuous service.

(b) Early retirement

An employee who has completed a minimum of 10 years of continuous service and whose period of continuous service ends in the 10 years immediately preceding the date on which he attains his normal retirement age is entitled to receive an early retirement pen-

sion. The early retirement pension is the actuarial equivalent of the retirement benefit payable at normal retirement age.

(c) Postponed retirement

An employee who remains in the employer's service after his normal retirement date may retire as of the first day of any month following this date. The monthly retirement benefit of the employee shall then be postponed until his actual retirement date, but no later than December 1 of the year in which the employee reaches the age limit provided for in applicable legislation, even if he remains in the employer's service after this date. The amount of the postponed retirement benefit is an actuarial equivalent basis based on the retirement benefit payable at normal retirement age and the length of the postponement period.

During the postponement period, the employee may request the payment of his retirement benefit, in whole or in part, but only insofar as is necessary to compensate for any reduction in earnings during this period. The employee may not make such request more than once per 12-month period.

Should the employee die during the postponement period, his spouse is entitled to a pension, the value of which is equal to the value of the pension that would have been payable to the employee, had payment of the pension commenced on the day preceding the date of death.

(d) Spousal pension

Upon the death of a pensioner who had retired after December 31, 1989 or of an employee whose period of continuous service had ended after this date and who is expecting the commencement of a benefit payable pursuant to Section 24, and provided the employee's spouse has not waived the right to a 60% pension at the time of the employee's retirement pursuant to Part I, the employee's spouse receives a lifetime pension equal to 60% of the pension that the pensioner was receiving or was entitled to receive at the time of his death, such pension being the actuarial equivalent of the pension he would have been entitled to receive in the absence of the right conferred herein to the spouse.

Prior to the date on which pension payments begin, the employee's spouse, if any, may waive the right to such spousal pension by so notifying the Committee in writing. This waiver may be revoked by notifying the Committee in writing within the period provided for above.

*(e)* Payment of benefits and transfer

The provisions of 7.9, 7.10, 7.11, 7.12, 7.13, 7.14 and 27.7 apply, mutatis mutandis, to the benefits provided under Section 24.

*(f)* Spouse

Spousal status for the purposes of 24.6 shall be established in accordance with Sections 6 and 14 of the plan.

*(g)* Designation of ex-spouse as beneficiary

The provisions of 6.3.3*b* of the plan also apply, mutatis mutandis, to the benefits provided under Section 24.

*(h)* Partition of entitlements between spouses and adjustment of the pensioner's entitlements

The provisions of Section 8 also apply, mutatis mutandis, to the benefits provided under Section 24.

**SECTION 25****PENSION PLAN FOR EMPLOYEES OF  
LA COMPAGNIE DE POUVOIR DU  
BAS ST-LAURENT**

25.1 The provisions of Section 25 are added to the Hydro-Québec Pension Plan further to the merger of La Compagnie de Pouvoir du Bas St-Laurent Employees Pension Plan with the Hydro-Québec Pension Plan. These provisions correspond to the provisions of La Compagnie de Pouvoir du Bas St-Laurent Employees Pension Plan, with the required adaptations. Subject to applicable legislation, benefits payable to an employee who has left the Company prior to January 1, 1999 are based on the provisions of the Caisse de retraite des employés de La Compagnie de Pouvoir du Bas St-Laurent or La Compagnie de Pouvoir du Bas St-Laurent Employees Pension Plan, as the case may be. The provisions of this Section apply only to benefits arising from participation in La Compagnie de Pouvoir du Bas St-Laurent Employees Pension Plan.

## 25.2 Definitions

For purposes of Section 25, the following terms mean:

“Company”: La Compagnie de Pouvoir du Bas St-Laurent, its successors or assigns;

“Contributions”: the amounts that each member was required to pay to La Compagnie de Pouvoir du Bas St-Laurent Employees Pension Plan prior to the participation date;

“Earnings”: any regular compensation for services rendered to the Company, excluding any additional compensation or bonuses;

“Member”: any regular employee of La Compagnie de Pouvoir du Bas St-Laurent who joined and made regular contributions to the Caisse de retraite des employés de La Compagnie de Pouvoir du Bas St-Laurent;

“Participation date”: the date set in the agreement between the Company and Hydro-Québec from which the employees of the Company participate into the Hydro-Québec Pension Plan, i.e., January 1, 1966;

“Pensioner”: any person who has been a member and who receives a pension pursuant to the provisions of the Caisse de retraite des employés de La Compagnie de Pouvoir du Bas St-Laurent or La Compagnie de Pouvoir du Bas St-Laurent Employees Pension Plan, or pursuant to the provisions of this Section 25.

## 25.3 Special provisions

Employees in active service from the participation date have ceased to accrue pension credits under the Caisse de retraite des employés de La Compagnie de Pouvoir du Bas St-Laurent, the Pension plan for employees of La Compagnie de Pouvoir du Bas St-Laurent or this Section 25.

Employees in active service on the participation date retain all their pension credits for service or participation prior to that date. These credits will be paid to them according to the provisions of this Section 25.

For purposes of this Section 25, years of service after the participation date accrued by employees as permanent or regular employees of Hydro-Québec or one of its subsidiaries count as years of services with the Company only for the purposes of establishing the right to a pension.

## 25.4 Benefits

*(a)* Normal retirement date

The normal retirement date for a male member is the first day of the month following his 65th birthday anniversary.

The normal retirement date for a female member is the first day of the month following her 60th birthday anniversary.

*(b)* Annual pension at normal retirement date

The annual pension of a pensioner, payable from the normal retirement date or later, is equal to 2% of the amount of earnings used as the basis for contributions from the date such pensioner joined the Caisse de retraite des employés de La Compagnie de Pouvoir du Bas St-Laurent and until payment of such pension or, for members on the participation date, until such participation date.

(c) Early retirement

Any member may retire during the 10 years immediately preceding the normal retirement date. In the event of total and permanent disability, a member may retire at any time following the completion of 10 years of service. In either case, the member receives an immediate reduced pension, based on the actuarial equivalent of the pension calculated pursuant to 25.5*b*.

(d) Death after retirement

In the event of the death of an employee before pension payments have been made for a period of 5 years, and failing his choice of an optional form of payment pursuant to the provisions of 25.5*c* hereinafter, the remaining payments will continue to be made to his designated beneficiaries or, failing that, to his successors.

(e) Death prior to retirement

Subject to the provisions of 25.5*a*, in the event of the death of an employee prior to his retirement, his designated beneficiaries or, failing that, his successors shall receive the contributions made by such employee, plus interest.

25.5 Miscellaneous provisions

(a) Payment option

The member, or his designated beneficiary after death, if any, may elect to receive payments spread over a maximum of 10 years, in lieu of the lump sum payment pursuant to 25.4*e*.

(b) Termination prior to retirement

A member who terminates employment with the employer prior to being entitled to a retirement pension pursuant to the above shall receive a refund of his contributions, with interest. However, where the member has completed 10 years of service or more, he may elect to leave his contributions in the Pension Plan for Employees of La Compagnie de Pouvoir du Bas St-Laurent and receive, from his normal retirement date, the pension accrued to him from his contributions plus a percentage of or the totality of the balance of the pension accrued to

him pursuant to the provisions of 25.4*b*, as per the following table:

Years of service	Percentage (%)
10 years but less than 11	25.0
11 years but less than 12	32.5
12 years but less than 13	40.0
13 years but less than 14	47.5
14 years but less than 15	55.0
15 years but less than 16	62.5
16 years but less than 17	70.0
17 years but less than 18	77.5
18 years but less than 19	85.0
19 years but less than 20	92.5
20 years or more	100.0

In the event of the death, prior to the normal retirement date, of a former employee who had elected to leave his contributions in La Compagnie de Pouvoir du Bas St-Laurent Employees Pension Plan, his designated beneficiaries or, failing that, his successors shall receive the contributions made by such former employee, plus interest.

(c) Optional forms of pension

Provided he retires on his normal retirement date or later, any member, prior to his retirement, may elect a form of pension payment other than the 5-year guaranteed pension set out under 25.4*d*; in such case, the pension payments are based on the actuarial equivalent of the pension established pursuant to such provisions. The member may select from three optional forms of payment:

Lifetime only pension: payments are made for life.

10 years guaranteed pension: payments are made to the member for life. Should the member's death occur before he has received 10 years of pension payments, the remaining payments will be made to his designated beneficiaries or, failing that, to his successors.

Joint and survivor pension: payments are made to the member for life. After his death, partial or full payments are continued to his surviving spouse based on the choice made by the member at retirement time.

Adjustment to account for the pension payable under the Old Age Security Act: the pension amount is adjusted so that the sum of the pension payable from the Pension plan for employees of La Compagnie de Pouvoir du Bas St-Laurent and the Old Age Security pension payable at the time of retirement by the federal government result in equal monthly payments to the member for life.



25.6 This section adds to the preceding provisions of Section 25, without reducing the rights conferred by such Section 25.

(a) Normal retirement

Notwithstanding any of the above, the member is entitled to receive, from his normal retirement date, a pension at least equal to the pension resulting from his contributions, accumulated with interest.

(b) Deferred pension

Any employee who meets the following conditions at the time he leaves the service of the employer is entitled to a deferred pension at least equal to the monthly pension payable from the normal retirement age:

- i. having attained age 45, but not the normal retirement age;
- ii. having completed at least 10 years of continuous service.

In addition, the amount of the deferred pension must be at least equal to the pension resulting from his contributions, accumulated with interest.

(c) Early retirement

Any employee who has completed a minimum of 10 years of continuous service and whose period of continuous service ends in the 10 years immediately preceding the date on which he attains his normal retirement age is entitled to receive an early retirement pension. The early retirement pension is the actuarial equivalent of the pension payable at normal retirement age.

(d) Postponed retirement

An employee who remains in the employer's service after his normal retirement date may retire as of the first day of any month following this date. The employee's monthly retirement benefit shall then be postponed until his actual retirement date, but no later than December 1 of the year in which the employee reaches the age limit provided for in applicable legislation, even if he remains in the employer's service after this date. The amount of the postponed retirement benefit is an actuarial equivalent based on the retirement benefit payable at normal retirement age and the length of the postponement period.

During the postponement period, the employee may request the payment of his retirement benefit, in whole or in part, but only insofar as is necessary to compensate for any reduction in earnings during this period. The

employee may not make such request more than once in any 12-month period.

Should the employee die during the postponement period, his spouse is entitled to a pension, the value of which is equal to the value of the pension that would have been payable to the employee, had payment of the pension commenced on the day preceding the date of death. In addition, the actual value of the spousal pension must be at least equal to the pension resulting from the member's contribution, accumulated with interest.

(e) Spousal pension

Upon the death of a pensioner who had retired after December 31, 1989 or of an employee whose period of continuous service had ended after this date and who is expecting the commencement of a benefit payable pursuant to Section 25, and provided the spouse has not waived the right to a 60% pension at the time of the employee's retirement pursuant to Part I, the spouse receives a lifetime pension equal to 60% of the pension that the pensioner was receiving or was entitled to receive at the time of his death, such pension being the actuarial equivalent of the pension he would have been entitled to receive in the absence of the right conferred herein to the spouse.

Prior to the date on which pension payments begin, the employee's spouse, if any, may waive the right to a spousal pension by so notifying the Committee in writing. This waiver may be revoked by notifying the Committee in writing within the period provided for above.

(f) Payment of benefits and transfer

The provisions of 7.9, 7.10, 7.11, 7.12, 7.13, 7.14 and 27.7 apply, mutatis mutandis, to the benefits provided under Section 25.

(g) Spouse

Spousal status for the purposes of 25.6 shall be established in accordance with Sections 6 and 14 of the plan.

(h) Designation of ex-spouse as beneficiary

The provisions of 6.3.3b of the plan also apply, mutatis mutandis, to the benefits provided under Section 25.

(i) Partition of entitlements between spouses and adjustment of the pensioner's entitlements

The provisions of Section 8 also apply, mutatis mutandis, to the benefits provided under Section 25.

## SECTION 26 CONTRIBUTIONS

The Employer shall make up any unfunded actuarial liability of Part III of the plan through one or more payments, the terms and conditions of which shall be determined by the employer, in accordance with the provisions then in force of the Hydro-Québec Act and the Supplemental Pension Plans Act.

## PART IV MISCELLANEOUS PROVISIONS

### SECTION 27 BENEFITS PAYMENTS

27.1 The retirement benefit shall be payable as of the retirement date or a date no later than December 1st of the year in which a member reaches the age limit provided for by applicable legislation. Spousal or children's benefits shall be payable as of the 1 day of the month following the death of the member, pensioner or spouse.

27.2 Retirement benefits shall be paid by cheque on a monthly basis at the end of each month. Benefits shall be payable up to but not including the 1 day of the month following the death of a pensioner or member who receives it and the balance, if any, of the last month benefit shall be paid to his successors.

27.3 The spouse's survivor benefit shall be paid in the same manner as provided for in 27.2. This benefit shall be payable up to but not including the 1st day of the month following the death of the spouse and the balance, if any, of the last monthly benefit shall be paid to his successors.

27.4 If, pursuant to Section 6, survivor benefits are payable to a member's children, the amount of these benefits shall be split equally among all the children and shall be paid in the manner provided for in 27.2. These benefits shall accrue until the 1st day of the month following the date on which the last child ceases to be entitled thereto. In the event of the death of a child, the balance of the last monthly benefit to which he was entitled shall be paid to his successors.

27.5 Upon his retirement but no later than December 1st of the year in which he reaches the age limit provided for by applicable legislation, a member shall be entitled to the retirement benefit provided for by the plan, but not to a refund of contributions or to a refund or transfer of the present value of his retirement benefit.

27.6 Notwithstanding the provisions of 27.2, Hydro-Québec reserves the right to change the method of payment.

27.7 Notwithstanding the provisions of 27.5:

(a) the provisions of 7.11 and 7.14 apply to the pensioner's retirement benefit before its payment has begun;

(b) the provisions of 7.13 apply also to the pensioner, whether or not the payment of his retirement benefit has begun.

27.8 When contributions or, where applicable, the present value of a benefit are refunded under the plan, the member, the former member, the pensioner or, where applicable, his spouse, may authorize, in writing, the transfer of all or part of the amount payable to him by the pension fund to another registered plan, except if the refund is made pursuant to the last paragraph of 13.6.

27.9 At any time during which the plan is not 100% solvent, the present value of any benefits to which a member or beneficiary is entitled under the plan will be paid out in a lump sum only in proportion to the degree to which the plan is solvent.

This Section will not affect the periodic payments of a retirement or survivor benefit which has become payable.

27.10 The present value of any benefit which cannot be paid out under the terms of 27.9 shall be funded and will be paid pursuant to the provisions of the Supplemental Pension Plans Act.

27.11 (a) Unless there are provisions to the contrary in any applicable act, the following shall be

non-assignable and exempt from seizure:

i. any contributions paid or payable to the Hydro-Québec Pension Fund, plus interest;

ii. any benefits paid or amounts refunded or transferred under the plan;

iii. any amount allocated to the spouse of a member, a former member or a pensioner as a result of the partition or transfer of entitlements according to the provisions of Section 8, plus interest.

In addition, the benefits of a member, a former member, a pensioner or a beneficiary shall not be transferred, mortgaged, anticipated or offered in guarantee or waived.

(b) Notwithstanding the provisions of 27.11a ii) hereinabove, when a retirement benefit becomes payable on or after January 1, 2001 to a former member, a pensioner, a spouse or a beneficiary, the Committee shall be entitled, where applicable, to withhold any

retirement benefit or refund to which such former member, pensioner, spouse or beneficiary is entitled as payment for debts incurred by him with respect to the pension fund in the course of the normal administration of the plan. The amount of such withholding shall not exceed the higher of the following :

- i. 25% of the benefit or refund payable ;
- ii. 1/ 12 of the debt to be collected without exceeding 50% of the benefit or refund payable.

However, the amount of such withholding may be 100% of the benefit or refund payable if the former member, pensioner, spouse or beneficiary so authorizes the Committee in writing.

Moreover, the Committee may withhold from the survivor benefit payable to the successors of a deceased member, former member or pensioner any sum required to repay a debt incurred by such deceased member, former member or pensioner.

27.12 Before the member or beneficiary is entitled to any benefits under this plan, proof of age and any other information or documents as the committee deems necessary must be provided.

27.13 All payments under this plan shall be made in the legal currency of Canada.

27.14 Notwithstanding any provisions to the contrary, a member, a former member or a spouse who is entitled to a pension may elect to replace such pension in whole or in part, before commencement, by a lump sum payment, but only to such extent as allowed under applicable legislation. The residual rights resulting from the payment of such benefit are established pursuant to applicable legislation.

## **SECTION 28**

### **TRANSFER AGREEMENT**

Hydro-Québec may draw up an agreement with any Government, corporation, company or legal entity who has a pension plan, to facilitate the mutual transfer of their employees and to establish the conditions and terms of transfer for purposes of retirement.

A member who, following termination of his employment, exercises the provisions of this Section, shall not be entitled to any termination benefits. If any payment of benefits has been authorized, it shall be cancelled. If the member has received a refund of contributions made prior to January 1, 1966, he shall repay the reimbursed amount plus interest for the period which has elapsed

since the date the refund was made and the date on which the option is exercised pursuant to this Section.

A pensioner or member who, on termination of his employment, had contributions or the present value of his deferred retirement benefit reimbursed pursuant to the provisions of 7.9, 7.11, 7.2 or 7.13 may not avail himself of the provisions of this Section.

## **SECTION 29**

### **PLAN MEMBERSHIP AGREEMENT**

29.1 The plan shall also apply to companies of which Hydro-Québec holds at least 90% of the shares and with which it has drawn up a plan membership agreement, effective as of the date on which the agreement was reached between Hydro-Québec and the said company.

29.2 The plan membership agreement may make provisions for the transfer of the funds accumulated under pension plans of subsidiaries to the Hydro-Québec Pension Fund and for any payments from the Hydro-Québec Pension Fund of benefits already granted under such plans.

## **SECTION 30**

### **VESTED BENEFITS**

This By-law does not in any way affect the rights and benefits of those receiving a retirement benefit or spousal or children's benefit as at January 1, 2001, nor of former members for whom entitlement to a deferred retirement benefit was vested as a result of their termination of employment prior to this date.

## **SECTION 31**

### **SPECIAL PROVISIONS**

31.1 The plan provisions in respect of members who were employed by a subsidiary before January 1, 1966 shall apply to any person who becomes a member as a result of the acquisition by Hydro-Québec of any facility used for the production or distribution of electricity, based on the provisions of the plan.

31.2 Any pension plan in which a member as referred to in 31.1 participated while employed for a company or organization whose facility for the production or distribution for electricity were acquired in whole or in part by Hydro-Québec, shall be deemed a supplemental plan for the purposes of the plan.

31.3 If the member referred to in 31.1 is entitled to a deferred retirement benefit under an individual pension agreement issued after the wind-up or partial wind-up of the supplemental plan, in which the member partici-

pated, the said deferred retirement benefit shall be deemed a retirement benefit under a supplemental plan.

31.4 (a) If a member referred to in 31.1 receives a refund of contributions prior to his retirement from a supplemental plan in which he participated, the applicable years of credited service are not to be considered until such time as the member has accumulated 10 years of contributory service.

The retirement benefit guarantee formula shall not apply during the number of years calculated by dividing *A* by *B* below:

*A* total amount of the refund of contributions

*B* annual amount of supplement resulting from the retirement benefit guarantee

If the member dies before the number of years calculated by dividing *A* by *B* above has expired, the retirement benefit guarantee formula shall not apply to the spouse or children until that period has elapsed.

(b) Where the member referred to in 31.1 has received an amount representing the present value of a portion of the deferred retirement benefit, the retirement benefit guarantee formula shall not apply during the number of years calculated by dividing *A* by *B* below:

*A* the present value of said portion of the deferred retirement benefit

*B* the annual amount of supplement derived from the retirement benefit guarantee formula

If the member dies before the number of years calculated by dividing *A* by *B* above has expired, the guaranteed retirement benefit shall not apply to the spouse or children until such period has elapsed.

However, the member shall be credited with the total number of years of certified service.

Where the member receives the present value of the total deferred retirement benefit, Section 31.3 shall apply.

31.5 In applying the retirement benefit guarantee formula to a member referred to in 31.1, January 1, 1966 as it appears in Section 18 shall be replaced by the date on which the member was placed on the Hydro-Québec payroll.

## SECTION 32 EFFECTIVE DATE

32.1 (a) This By-law shall come into force on the date of its approval by the Government of Québec and is effective on January 1, 2001.

32.2 This By-law shall replace Hydro-Québec By-law No. 681.

## CERTIFIED TRUE COPY

STELLA LENEY,  
*Assistant Corporate Secretary*

5244

Gouvernement du Québec

## O.C. 940-2002, 21 August 2002

An Act respecting the Régie des alcools, des courses et des jeux  
(R.S.Q., c. R-6.1)

### Régie des alcools, des courses et des jeux — Rules of procedure

Rules of procedure of the Régie des alcools, des courses et des jeux

WHEREAS, under section 31 of the Act respecting the Régie des alcools, des courses et des jeux (R.S.Q., c. R-6.1), the Régie des alcools, des courses et des jeux may adopt rules of procedure applicable to the conduct of the matters submitted to it;

WHEREAS, under section 31 of the Act, the rules of procedure adopted by the Board shall be submitted to the Government for approval;

WHEREAS, under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Rules of procedure of the Régie des alcools, des courses et des jeux was published in Part 2 of the *Gazette officielle du Québec* of 3 October 2001 with a notice that they could be made by the Régie des alcools, des courses et des jeux upon the expiry of 45 days following that publication;

WHEREAS, at its sitting of 13 February 2002, the Régie des alcools, des courses et des jeux adopted the Rules of procedure of the Régie des alcools, des courses et des jeux with amendments;

WHEREAS it is expedient to approve those Rules with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Public Security:

THAT the Rules of procedure of the Régie des alcools, des courses et des jeux, attached to this Order in Council, be approved.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

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## Rules of procedure of the Régie des alcools, des courses et des jeux

An Act respecting the Régie des alcools, des courses et des jeux  
(R.S.Q., c. R-6.1, s. 31)

### DIVISION I GENERAL

**1.** These Rules are intended to enable any interested person to be aware of the conditions governing the exercise of his or her right to make representations before the Régie des alcools, des courses et des jeux and to facilitate the preparation and the simple and quick conduct of cases heard by one or more commissioners.

These Rules add to those provided for, in particular, in the Act respecting racing (R.S.Q., c. C-72.1), the Act respecting administrative justice (R.S.Q., c. J-3), the Act respecting lotteries, publicity contests and amusement machines (R.S.Q., c. L-6), the Act respecting liquor permits (R.S.Q., c. P-9.1), the Act respecting the Régie des alcools, des courses et des jeux (R.S.Q., c. R-6.1) and the Act respecting safety in sports (R.S.Q., c. S-3.1) and those provided for in the statutory instruments made under those acts.

**2.** Unless otherwise provided for in the Act, the Board may excuse a person who fails to meet a deadline or to complete a formality if the person demonstrates that he or she had serious reasons not to act sooner or otherwise and if the Board is of the opinion that no other interested person suffers severe prejudice as a result.

**3.** In computing any time period, the day marking the beginning is not counted, but the terminal day is counted. If a deadline expires on a day the offices of the Board are closed, the deadline shall be extended to the next business day.

**4.** In these Rules, the expression “interested person” also means a “person referred to”, a “person in question” or a “representative of the Board”, depending on the context.

### DIVISION II MEDIATION OF A DISPUTE RELATED TO THE GRANTING OF A PRIZE IN A PUBLICITY CONTEST

**5.** In an attempt to settle a dispute related to the granting of a prize in a publicity contest, a participant and the person or organization for whose benefit the contest is held shall sign the mediation agreement submitted by the designated mediator.

The agreement shall specify, in particular, that mediation is undertaken freely and voluntarily, the role of the mediator and parties, the confidentiality of the mediation process and that the parties waive their right to summon the mediator before a court or another decision-making body.

**6.** The parties may, at their own discretion, withdraw from the mediation process provided that notice is given immediately to the mediator and the other party. The mediator may at all times suspend or terminate the mediation if he or she considers that it would be ill-advised to pursue it.

### DIVISION III APPLICATION FOR THE CANCELLATION OR SUSPENSION OF A LIQUOR PERMIT

**7.** Where an application for the cancellation or suspension of a permit or authorization is submitted by the Minister of Public Security, a local municipality or any other interested person in accordance with the provisions of section 85 of the Act respecting liquor permits (R.S.Q., c. P-9.1), it shall include a written statement of the facts in support of the application.

**8.** If the facts stated may give rise to the application of section 86 or 86.0.1 of that Act, the Board shall inform the permit holder of the date and place of the hearing on the application.

### DIVISION IV TRANSMISSION OF DOCUMENTS

**9.** A document shall be transmitted by any means making it possible to establish the dates of its sending or receipt. If the circumstances so require, the Board may authorize another method of communication such as publication in a newspaper or posting in the offices of the Board.

**10.** The Board shall transmit documents at the last known address.

#### **DIVISION V REPRESENTATION**

**11.** An advocate representing a person shall so inform the Board in writing.

**12.** An advocate who ceases to represent a person shall so inform the Board and the other interested persons in writing and indicate the date on which his or her mandate ends.

#### **DIVISION VI PRE-HEARING CONFERENCE**

**13.** The Board may, upon request by an interested person or on its own, hold a pre-hearing conference so as to find means likely to simplify, shorten or facilitate a hearing or to produce any document or exhibit.

**14.** The admission of facts and the production of documents or exhibits during the pre-hearing conference shall be recorded in writing under the signature of a commissioner and shall be filed into the record.

#### **DIVISION VII INTERVENTION AND OBJECTION**

**15.** An objection or intervention shall state the reasons on which it is based and be forwarded to the applicant by any means making it possible to establish the shipping date within the same time limit that the applicant has to forward it to the Board.

An objection or intervention in matters of bingo shall be sent as soon as possible by the Board to the interested persons.

#### **DIVISION VIII JOINDER OF SEVERAL CASES AND HEARING BY PREFERENCE**

**16.** Several cases before the Board pertaining to the same issues or whose matters could suitably be joined, whether or not the same persons are involved, may be dealt with at the same time and decided on the same information or documents as decided by the Board on its own or following a request by an interested person. The Board may also decide that a case be dealt with first, the others remaining suspended until a decision is made on the first case. The Board may also decide that a case be heard by preference.

#### **DIVISION IX HEARING**

**17.** The Board may hold a hearing by means of a teleconference.

**18.** In addition to the cases provided for in the Act, the Board shall hold a hearing each time that it deems it necessary so as to allow an interested person to make representations.

**19.** In the absence of a deadline prescribed by the Act, the Board shall inform the interested persons of the date, time and place of the hearing at least ten days before it is held.

Notwithstanding the foregoing, the Board is exempt from that obligation where the interested persons agree thereto or in a context of emergency in order to avoid that severe prejudice be caused to the persons or their property.

**20.** If, on the date of the hearing, an interested person is absent, the Board may proceed without further notice or delay or postpone the hearing to a later date.

**21.** Any discontinuance of an application shall be forwarded in writing to the Board before the hearing or orally communicated at the hearing.

**22.** A person who requires the presence of a witness may summon the witness at his or her expense by means of a subpoena issued by the Board and served at least five days before the hearing date.

Likewise, a person may be summoned to produce documents.

**23.** An interested person who wishes to produce an expert witness shall so inform the Board and any other interested person at least five days before the hearing is held.

The report by the expert, or in the absence of such report, the subject of his or her testimony, shall be sent to them in writing within the same time limit.

**24.** A witness is declared expert when his or her qualifications or experience are established or are recognized by the interested persons. An expert witness may make representations on matters within the range of his or her expertise.

**25.** An application for postponement shall be made to the Board and sent by the applicant to any person interested in the hearing. It may be granted for important reasons only. No postponement shall be granted on the

sole basis that the interested persons agree thereto. The Board may then postpone the hearing to another date fixed immediately by it or left undetermined. The postponement may be subject to certain conditions.

#### **DIVISION X** RECORDING OF THE HEARING

**26.** The Board shall record representations made during a hearing.

Subject to the first paragraph, the use of cameras and recording machines is prohibited during a hearing, except in exceptional circumstances.

**27.** Minutes shall be drawn up for any hearing; the minutes of the hearing shall contain the names and addresses of all interested persons, advocates and witnesses, as well as a list in alphanumeric order of each exhibit produced and any decision made during the hearing.

#### **DIVISION XI** TAKING UNDER ADVISEMENT AND DECISION

**28.** The Board may, on its own or upon request by an interested person, order the reopening of the inquiry of a case under advisement. The request shall be submitted to the Board by means of a written statement of the facts in support of the request and shall be sent to any interested person.

**29.** The Board's decision shall be rendered within three months of the taking under advisement.

#### **DIVISION XII** TRANSITIONAL AND FINAL

**30.** Any case submitted to the Board on the date of coming into force of these Rules shall be pursued in compliance with these Rules.

**31.** These Rules replace

(1) the Regulation respecting the procedure applicable before the Régie des alcools, des courses et de jeux (R.R.Q., 1981, c. P-9.1, r.7); and

(2) the Rules respecting practice and procedure made by the Régie des loteries et courses du Québec on 20 September 1984.

**32.** These Rules come into force on the fifteenth day following the date of their publication in the *Gazette officielle du Québec*.

Gouvernement du Québec

### **O.C. 944-2002, 21 August 2002**

Supplemental Pension Plans Act  
(R.S.Q., c. R-15.1)

#### **Supplemental pension plans** — **Arbitration relating to the surplus assets** — **Amendments**

Regulation to amend the Regulation respecting arbitration relating to the surplus assets of supplemental pension plans

WHEREAS, under the second paragraph of section 243.18 of the Supplemental Pension Plans Act (R.S.Q., c. R-15.1), the Government shall determine the arbitration costs that are subject to a tariff, and shall fix the rate applicable to those costs;

WHEREAS, under the third paragraph of section 243.7 of the Act, the Government may prescribe the manner in which the arbitration body shall inform the parties of the appointment of the arbitrators;

WHEREAS, under the first paragraph of section 243.8 of the Act, the Government shall prescribe by regulation the information and documents that shall accompany the application for arbitration forwarded by the pension committee to the arbitration body;

WHEREAS, under section 243.6 of the Act, as it read before 1 January 2001, the application of which is maintained for certain plans by section 311.5 of that Act, the Government shall fix by regulation the manner of convening the meetings to select the representatives, the quorum and the terms and conditions applicable to the appointment of representatives;

WHEREAS, under section 243.7 of the Act, as it read before 1 January 2001, the application of which is maintained for certain plans by section 311.5 of that Act, the Government may prescribe the manner in which the arbitration body shall inform the parties of the appointment of arbitrators;

WHEREAS, under section 243.19 of the Act, the Government may make other regulations required for the purposes of the chapter of the Act concerning arbitration, in particular in respect of the transmission of any document and the time limits applicable to the execution of any obligation, procedure or formality under that chapter;

WHEREAS it is expedient to amend the Regulation respecting arbitration relating to the surplus assets of supplemental pension plans, made by Order in Council 1894-93 dated 15 December 1993;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation to amend the Regulation respecting arbitration relating to the surplus assets of supplemental pension plans was published in Part 2 of the *Gazette officielle du Québec* of 14 November 2001 with a notice that it could be made by the Government upon the expiry of a 45-day period following that publication;

WHEREAS it is expedient to make the Regulation with amendments in particular to take into account the comments made by interested persons;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Social Solidarity and Child and Family Welfare and Minister of Social Solidarity:

THAT the Regulation to amend the Regulation respecting arbitration relating to the surplus assets of supplemental pension plans, attached to this Order in Council, be made.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

## **Regulation to amend the Regulation respecting arbitration relating to the surplus assets of supplemental pension plans\***

Supplemental Pension Plans Act  
(R.S.Q., c. R-15.1, ss. 243.7, 243.8, 243.18, 243.19 and 311.5)

**1.** The Regulation respecting arbitration relating to the surplus assets of supplemental pension plans is amended by inserting the following after section 1:

“**1.1.** Unless it concerns a plan referred to in section 1.3, the pension committee shall, within 30 days following the selection of the arbitration body in accordance with section 243.7 of the Supplemental Pension Plans Act (R.S.Q., c. R-15.1), send it a notice giving

- (1) the object of the application for arbitration;

\* The Regulation respecting arbitration relating to the surplus assets of supplemental pension plans was made by Order in Council 1894-93 dated 15 December 1993 (1993, *G.O.* 2, 7147) and has not been amended since.

- (2) the names and addresses of the designated arbitrator or arbitrators or, where applicable, the absence of agreement on the selection of the arbitrator or arbitrators;

- (3) the surplus assets determined on termination of the plan as well as, in the case of a plan referred to in section 230.0.1 of the Act, the surplus assets determined in respect of each employer; and

- (4) the amount in dispute.

The pension committee shall attach to that notice

- (1) a true copy of the pension plan;

- (2) a true copy of any document ancillary to the plan;

- (3) a true copy of the report on the latest valuation of the plan and, if any, more recent reports made under section 130 of the Act;

- (4) a true copy of the termination report referred to in section 207.2 of the Act;

- (5) if the application is asking for a ruling on a problem arising from the interpretation or application of an agreement or declaration referred to in section 230.1 of the Act, a copy of the agreement or declaration involved; and

- (6) a provision for costs, established in accordance with Schedule 1.

As soon as it has been informed of the selection of the arbitrator or arbitrators or as soon as it has designated them, the arbitration body shall publish in a daily newspaper circulated in the region of Québec in which the greatest number of members who were active on the date of termination of the pension plan reside, a notice containing the names of the arbitrator or arbitrators selected to rule on the arbitration application for the allocation of the surplus assets of the terminated plan.

The arbitration body is relieved from that publication requirement if it personally notified each member, beneficiary and employer likely to claim rights under the plan or the Act after having obtained their names and addresses from the pension committee and the certification from the committee that the list is complete.

**1.2.** The amount in dispute is the part of surplus assets, determined on termination of the plan, which is the object of the application for arbitration. In the case of an application asking for a ruling on a problem arising from the interpretation or application of an agree-



ment or declaration referred to in section 230.1 of the Act, the amount in dispute is the part of that surplus dealt with in the agreement or declaration.

**1.3.** In the case of a plan to which, according to section 311.5 of the Act, the provisions of sections 243.3, 243.6 and 243.7 of the Supplemental Pension Plan Act as they read before 1 January 2001, continue to apply, sections 2 to 5 shall apply for the selection of representatives and of the arbitration body.”

**2.** Section 2 is amended

(1) by substituting the words “section 243.6 of the Act, as it read before 1 January 2001” for the words “section 243.6 of the Supplemental Pension Plans Act (R.S.Q., c. R-15.1), enacted by section 37 of chapter 60 of the Statutes of 1992” in the first sentence of the first paragraph;

(2) by substituting the words “section 243.7 of the Act, as it read before 1 January 2001” for the words “section 243.7 of the Act, enacted by section 37 of chapter 60 of the Statutes of 1992” in the second sentence of the first paragraph;

(3) by substituting the words “de la loi” for the words “de cette loi” in the third sentence of the first paragraph in the French version; and

(4) by substituting the words “section 243.6 of the Act, as it read before 1 January 2001” for the words “section 243.6 of the Act,” in the second paragraph.

**3.** Section 3 is amended by inserting the words “referred to in section 2” after the word “meeting” in the first paragraph.

**4.** Section 5 is amended

(1) by substituting the words “section 243.6 of the Act, as it read before 1 January 2001” for the words “section 243.6 of the Act” in the first paragraph;

(2) by striking out the words “of Manpower, Income Security and Skills Development” in the first paragraph;

(3) by substituting the following for the second and third paragraphs:

“Upon the expiry of that period or, where the representatives failed to reach an agreement, within 10 days after being informed by the Minister of the identity of the arbitration body designated by the latter, the pension committee shall send the arbitration body a notice indi-

cating, in addition to the particulars required under subparagraphs 1, 3 and 4 of the first paragraph of section 1.1, the names and addresses of the representatives.

The pension committee shall attach to that notice the documents and a provision for costs referred to in second paragraph of section 1.1”; and

(4) by substituting the following for the fifth paragraph:

“As soon as it has been informed of the selection of the arbitrator or arbitrators or as soon as it has designated them, the arbitration body shall give the notice provided for in the third paragraph of section 1.1.”

**5.** Division I of Schedule I is amended

(1) by substituting the following for the first table:

<b>Services</b>	<b>Rate</b>
(1) for opening a file	\$ 2 000
(2) for the pre-trial conference	0.3% of the amount in dispute, up to \$ 8 000
(3) for hearings	0.3% of the amount in dispute, up to \$ 10 000
(4) for services related to an application for correction or interpretation or an additional application referred to in section 243.15 of the Act	\$ 1 000”;

(2) by deleting the second table and the text preceding it; and

(3) by adding the following after the paragraph concerning the services related to hearings:

“The services related to an application for correction or interpretation or an additional application referred to in section 243.15 of the Act mean all related services, from the reopening of a file to the preparation of the fees account; the costs related to those services are owing upon receipt of the application by the arbitration body.”

**6.** Division III of Schedule I is amended

(1) by substituting the following for the text preceding the table:

“The provision for costs consists in

(1) a provision of \$ 1000 for the costs incurred by the arbitration body;

(2) a provision of \$ 2000 for the remuneration of services of the arbitration body related to the opening of the file;

(3) a provision equal to 55% of the amount of the remuneration of the arbitration body established in accordance with this rate for the services related to the pre-trial conference and hearings; and

(4) a provision for the arbitrators’ fees that is established as follows:”; and

(2) by substituting the words “Amount in Dispute” for the words “Surplus Assets” in the table.

**7.** The rate of arbitration costs established in Division I of Schedule I, as it read before the date of coming into force of this Regulation, shall continue to apply to arbitration applications forwarded to the arbitration body before that date. Notwithstanding the foregoing, the costs payable from that date may not, considering the costs whose due date is prior to the date of coming into force of this Regulation, exceed \$ 20 000.

**8.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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## **O.C. 961-2002, 21 August 2002**

Building Act  
(R.S.Q., c. B-1.1)

### **Construction Code — Amendments**

Regulation to amend the Construction Code

WHEREAS, under section 173 of the Building Act (R.S.Q., c. B-1.1), the Régie du bâtiment du Québec shall by regulation adopt a Building Code containing building standards concerning buildings, facilities intended for use by the public and installations independent of a building or their vicinity;

WHEREAS, under section 176 of the Act, the Building Code may require manufacturers to provide instructions regarding the assembly, erection, maintenance and inspection of materials, facilities and installations;

WHEREAS, under section 176.1 of the Act, the Building Code may, with respect to the matters to which it applies, contain provisions concerning the subjects listed in section 185 of the Act;

WHEREAS, under section 178 of the Act, the Building Code may require observance of a technical standard drawn up by another government or by an agency empowered to draw up such standards and provide that any reference it makes to other standards include subsequent amendments;

WHEREAS, under section 179 of the Act, the Board may determine the provisions of the Building Code of which the infringement shall constitute an offence under paragraph 7 of section 194 of the Act;

WHEREAS, under section 192 of the Act, the contents of the Building Code may vary according to the classes of persons, contractors, owner-builders, owners of buildings, facilities intended for use by the public or installations independent of a building, and classes of buildings, pressure installations, facilities or installations to which the Code applies;

WHEREAS the Board adopted the Regulation to amend the Construction Code;

WHEREAS, under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation to amend the Construction Code was published in Part 2 of the *Gazette officielle du Québec* of 24 October 2001 with a notice that it could be approved by the Government, with or without amendment, upon the expiry of 90 days following that publication;

WHEREAS the comments received were studied;

WHEREAS under section 189 of the Building Act, a code of the Board is subject to approval by the Government which may approve it with or without amendment;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Human Resources and Labour and Minister of Labour:

THAT the Regulation to amend the Construction Code, attached hereto, be approved.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

## Regulation to amend the Construction Code\*

Building Act  
(R.S.Q., c. B-1.1, ss. 173, 176, 176.1, 178, 179, 185, 1st par., subpars. 3, 7, 20, 21, 24, 29, 31, 36, 37 and 38 and s. 192)

**1.** Sections 1 to 3 of the Construction Code become sections 1.01 to 1.03 respectively.

**2.** Section 4 of the Code becomes section 1.04 and is amended by substituting “1.02” for “2” in subparagraph *a* of paragraph 1 of section 2.1.7.1.

**3.** The following is substituted for section 5:

“**1.05.** Any infringement of one of the provisions of this Chapter is an offence.”

**4.** Sections 6 and 7 become 1.06 and 1.07 respectively and are amended by substituting “section 1.02” for “section 2”.

**5.** The Code is amended by inserting the following after section 1.07:

### “CHAPTER III PLUMBING

#### DIVISION I INTERPRETATION

**3.01.** In this Chapter, unless the context indicates otherwise, “Code” means the *Code nationale de la plomberie – Canada 1995* (CNRC 38728F), including the amendments of August 1999 and March 2002, and the *National Plumbing Code of Canada 1995* (NRCC 38728), including the amendments of August 1999 and March 2002, issued by the Canadian Commission on Building and Fire Codes, National Research Council of Canada, as well as any subsequent amendments and editions that may be issued by that organization.

However, any amendments and new editions issued after the date of coming into force of this Chapter will apply to construction work only from the date corresponding to the last day of the sixth month following the month in which the French text of those amendments or editions is issued.

#### DIVISION II SCOPE OF THE NATIONAL PLUMBING CODE

**3.02.** Subject to the amendments made by this Chapter, the Code applies to any construction work to a plumbing system, in buildings or facilities intended for public use covered by the Building Act (R.S.Q., c. B-1.1), and carried out effective from the date of coming into force of this Chapter.

#### DIVISION III AMENDMENTS TO THE CODE

**3.03.** The Code is amended

(1) by revoking Subsections 1.1. and 1.2.;

(2) in Article 1.3.2.,

(1) by inserting the following after the definition of “*Combustible*”:

“*Construction Code*” means the *Construction Code* made under the Building Act (R.S.Q., c. B-1.1)”;

(2) by deleting the definition “*plumbing contractor*”;

(3) by deleting the definition “*owner*”;

(4) by substituting the following for the definition “*suite*”:

“*suite*” means a single room or series of rooms of complementary use, occupied by a single tenant or owner, and includes but is not limited to *dwelling units*, individual bedrooms in motels, hotels, rooming and boarding houses, dormitories and single-family dwellings, as well as stores and business and personal services occupancies comprising a single room or series of rooms.”; and

(5) by substituting the following for the definition “*occupancy*”:

“*occupancy*” means the use or intended use of a *building* or part thereof.”;

(3) in Article 1.3.3.,

\* No amendments were made to the Construction Code approved by Order in Council 953-2000 dated 26 July 2000 (2000, *G.O.* 2, 4437).

(1) by inserting the following after “AWWA..American Water Works Association (6666 West Quincy Avenue, Denver, Colorado 80235 U.S.A.)”:

“BNQ.....Bureau de normalisation du Québec (333, rue Franquet, Sainte-Foy (Québec) G1P 4C7)”;

(2) by substituting the following for the acronym “NBC”:

“NBC..... National Building Code of Canada 1995 within the meaning of section 1.01 of Chapter I of the *Construction Code*, as amended by Division III of that Chapter”; and

(3) by inserting the following after “NFPA..... National Fire Protection Association (1 Batterymarch Park, Quincy, Massachusetts 02269-9101 U.S.A.)”:

“QS..... Québec standard”;

(4) by revoking Subsection 1.4.;

(5) in Article 1.5.1., by substituting “Sections 9.31. and 9.35.” for “Section 9.31.” in the third line of Sentence (1);

(6) by substituting the following for Subsection 1.8.:

“

BNQ	NQ 2622-126 (1999)	Tuyaux et branchement latéraux monolithiques en béton armé et non armé pour l'évacuation des eaux d'égout domestiques et pluvial	2.5.3.1)
BNQ	NQ 3619-280 (1991)	Séparateurs de graisse- Critères de performance	2.3.2.
BNQ	NQ 3623-085 (2002)	Tuyaux en fonte ductile pour canalisations d'eau sous pression – Caractéristiques et méthodes d'essais	2.6.4.1)
BNQ	NQ 3624-027 (2000)	Tuyaux et raccords en polyéthylène (PE) – Tuyaux pour le transport des liquides sous pression – Caractéristiques et méthodes d'essais	2.5.5. 1)
BNQ	NQ 3624-120 (2000)	Polyethylene (PE) Plastic Pipe and Fittings – Smooth Inside Wall Open or Closed Profile Pipes for Storm Sewer and Soil Drainage – Characteristics and Test Methods	2.5.10.1)
BNQ	NQ 3624-130 (1997) (Modificatif N° 1/ 98)	Unplasticized Poly (Vinyl Chloride) (PVC-U) Rigid Pipe and Fittings – 150 mm in Diameter or Smaller, for Underground Sewage Applications	2.5.10.1)
BNQ	NQ 3624-135 (2000)	Unplasticized Poly (Vinyl Chloride) [ PVC – U ] Pipe and Fittings – 200 mm to 600 mm in Diameter for Underground Sewage and Soil Drainage – Characteristics and Test Methods	2.5.10.1)

## “1.8. Plans and Specifications

### 1.8.1. Requirements

1) A plumbing contractor or an owner-builder may not begin construction work to a *plumbing system* to which Chapter III of the *Construction Code* applies, unless there are plans and specifications for the work, where the total hydraulic load to be installed exceeds a *fixture unit* of 180.

### 1.8.2. Content

1) Plans shall be drawn to scale and shall show

a) a horizontal view of the location and dimension of the drains and *cleanouts*, the location of *fixtures* and the *water distribution system*,

b) a vertical view of the location of *fixtures* and *traps*, the dimension of drains, *leaders*, *soil-or-waste stacks* and vent stacks, as well as the *water distribution system*, and

c) the connection of the *subsoil drainage pipe*.”;

(7) in Article 1.9.3.,

(1) by inserting the following in Table 1.9.3. after the document incorporated by reference “ASTM D 3261-93”:

BNQ	BNQ 3624-160 (1984)	Tuyauterie en thermoplastique – Manchons de dilatation pour installations d'évacuation des eaux usées	2.5.12.1)
BNQ	NQ 3624-250 (2000)	Unplasticized Poly (Vinyl Chloride) [ PVC-U] Pipes and Fittings – Rigid Pipe for Water Supply and Water Distribution – Characteristics and Test Methods	2.5.7.1)
BNQ	NQ 3632-670 (1990)	Backwater and Check Valves for Sewage Systems	4.6.4.
BNQ	NQ 3667-150 (1986)	Réservoirs pour les chauffe-eau domestiques	6.1.7.

”; and

(2) by adding the following after Sentence 1 :

“2) The BNQ standards inserted in Table 1.9.3. are also recognized as if they had been incorporated by reference to the corresponding articles indicated in that table.”;

(8) by adding the following after Subsection 1.9. :

#### “1.10. Approval of Materials

##### 1.10.1. Approved Materials, Fixtures and Apparatuses

1) In a *plumbing system*, only materials, fixtures or apparatuses which are recognized or certified, under a standard referred to in Table 1.9.3., by one of the following bodies, may be used :

- a) Canadian Gas Association (CGA),
- b) Bureau de normalisation du Québec (BNQ),
- c) CSA International (CSA),
- d) Underwriters' Laboratories of Canada (ULC),
- e) NSF International (NSF),
- f) Canadian General Standards Board (CGSB),
- g) Intertek Testing Services NA Ltd. (ITS),
- h) Underwriters Laboratories Inc. (UL), or
- i) any other body accredited by the Standards Council of Canada as a certifying body in the field of plumbing which has notified the Board of its accreditation.

#### 1.11. Declaration of Work

##### 1.11.1. Scope

1) A plumbing contractor shall declare to the Régie du bâtiment du Québec the construction work to which

Chapter III of the *Construction Code* applies where the work pertains to a new *plumbing system* or requires the replacement of a *service water heater* or pipes.

##### 1.11.2. Period for Sending

1) The declaration required in Article 1.11.1. shall be sent to the Board no later than on the twentieth day of the month following the date on which the work begins.

##### 1.11.3. Form

1) The declaration of work shall be made on the form provided for that purpose by the Board or on any other document drawn up for that purpose.

##### 1.11.4. Content

1) The declaration shall contain the following information :

- a) the address of the place where the work is performed,
- b) the name, address and telephone number of the person for whom the work is carried out,
- c) the name, address, telephone number and licence number of the plumbing contractor,
- d) the expected beginning and end dates of the construction work,
- e) the nature and type of work,
- f) the *occupancy* of the *building* or facility intended for public use, its classification and building area according to the code referred to in Chapter I of the *Construction Code*, and the number of existing and proposed *storeys*, and
- g) the number of *fixtures* and *service water heaters* to be installed.

## 1.12. Inspection Fees

### 1.12.1. Calculation

1) The following fees shall be paid to the Board, by the plumbing contractor, for the inspection of the construction work pertaining to *plumbing systems*, for which a declaration is required under Article 1.11.1.:

a) \$ 114 for a new single-family detached or semi-detached house or row house,

b) \$ 69 per *dwelling unit* other than those referred to in Clause a for the construction of a new *building* intended for housing or for the conversion of a *building* of another nature into a *building* intended for housing, regardless of the number of *fixtures* and *service water heaters*, or

c) in the case of work other than that referred to in Clauses a and b:

i. \$ 9.15 per *fixture* or *service water heater*, where the work is carried out on more than one, or

ii. \$ 15.70 where the work is carried out on only one or no *fixture* or *service water heater*.

2) A plumbing contractor or owner-builder shall pay the following inspection fees to the Board, for the inspection of a *plumbing system* made following the issue of a remedial notice provided for in section 122 of the Building Act:

a) \$ 77 for the first hour or any fraction thereof,

b) half the hourly rate established in Clause a for each half-hour or fraction thereof added to the first hour.

3) A plumbing owner-builder shall pay to the Board the inspection fees fixed in Clauses 2a, b and c for the inspection of a *plumbing system*.

4) For the approval of a material, fixture or plumbing apparatus that cannot be certified or approved by one of the bodies referred to in Article 1.10.1., approval fees corresponding to the amounts established in Clauses 2a, b and c shall be paid to the Board.

### 1.12.2. Sending

1) The fees exigible under Sentence 1.12.1. 1 shall be included in the declaration of work required under Article 1.11.1.

2) The fees exigible under Sentences 1.12.1. 2, 3 and 4 shall be paid to the Board no later than 30 days after the billing date.”.

(9) by adding the following after Article 2.10.14.:

### “2.10.15. Air Admittance Valves

1) Air admittance valves shall conform to ANSI/ ASSE 1051, “Air Admittance Valves for Plumbing Drainage Systems – Fixtures and Branch Devices”, published by the American Society of Sanitary Engineers.

2) The installation of an air admittance valve is permitted to vent an appliance found in an island or in an existing *building* and for which it is impossible to connect it to the *vent system* without having to open the walls and floors or ceilings, provided that the air admittance valve is in a location allowing it to be inspected and replaced.

### 2.10.16. Drinking Water Treatment Units

1) Drinking water treatment units shall conform to one of the following standards published by NSF International:

a) ANSI/ NSF 44, “Residential cation exchange water softeners”,

b) ANSI/ NSF 53, “Drinking water treatment units – Health effects”,

c) ANSI/ NSF 55, “Ultraviolet microbiological water treatment systems”,

d) ANSI/ NSF 58, “Reverse osmosis drinking water treatment systems”, or

e) ANSI/ NSF 62, “Drinking water distillation systems”.;

(10) in Article 4.2.1.,

(1) by deleting the word “or”, in Subclause 1e v;

(2) by inserting the following subclauses after Subclause (1)e vi:

“vii. a drain or overflow from a swimming or wading pool or a floor drain in the walk around it, or

viii. a drain from the pit of an elevator, of a dumb-waiter or of an elevating device.”;

(3) by substituting the following for Sentence 2:

“2) Any connection in a deviated *soil-or-waste stack* shall not be less than

a) 1.5 m downstream from the base of the upper section of that *soil-or-waste stack* or from another connection receiving *sewage* from another *soil-or-waste stack* connected into the *offset*, or

b) 600 mm higher or lower than the *nominally horizontal offset*, in the upper or lower vertical section of that deviated *soil-or-waste stack*.”; and

(4) by adding the following sentences after Sentence 3

“4) Any connection at the bottom of a *soil-or-waste stack* shall not be less than

a) 1.5 m from the bottom of a *building drain* or a *branch* that receives *sewage* from that *soil-or-waste stack*, and

b) 600 mm from the top of the *building drain* or the *branch* to which that *soil-or-waste stack* is connected.

“5) The *fixture drain* of a floor drain or of an appliance without a flushing system shall have a *nominally horizontal* part of at least 450 mm in *developed length*, measured between the *trap* and its connection into a *nominally horizontal offset*, a *branch* or a *building drain*. The *developed length* of the *fixture drain* of a floor drain shall be increased to 1.5 m if it is connected less than 3 m from the bottom of a *soil-or-waste stack* or *leader*.”;

(11) in Article 4.5.4., by adding the following sentence after Sentence 1:

“2) A *sanitary drainage system* or a *combined building drain* shall not be equipped with a *building trap*.”; and

(12) by adding the following article after Article 4.9.4.:

#### “4.9.5. Size of the Main Stack

1) At least one *soil-or-waste stack* or vertical *soil-or-waste pipe* shall extend into a *stack vent* or into a *vent pipe* that is terminated in open air.

2) That *soil-or-waste stack* or vertical *soil-or-waste pipe* shall be as far as possible from the *building sewer* and shall have a minimum *size* of 3 in. up to the outlet on the roof.”.

### DIVISION IV

#### PENAL

3.04. Any infringement of one of the provisions of this Chapter, with the exception of Subsection 1.12. introduced by paragraph 8 of section 3.03, is an offence.

## CHAPTER V ELECTRICITY

### DIVISION I INTERPRETATION

5.01. In this Chapter, unless the context indicates otherwise, “Code” means the *Code canadien de l’électricité, Première partie, dix-huitième édition, norme CSA C22.1-98* and the *Canadian Electrical Code, Part I, Eighteenth Edition, CSA Standard C22.1-98* published by the Canadian Standards Association, as well as any subsequent amendments and editions that may be published by that organization.

However, any amendments and new editions published after the date of coming into force of this Chapter will apply only to construction work from the date corresponding to the last day of the sixth month following the month in which the French text of those amendments or editions is published.

### DIVISION II SCOPE OF THE CANADIAN ELECTRICAL CODE

5.02. Subject to the amendments provided for in this Chapter and to the exemptions provided for by regulation made by the Government under subparagraph 1 of the first paragraph of section 182 of the Building Act (R.S.Q., c. B-1.1), the Code applies to any construction work to an electrical installation as defined in the Code to which the Act applies and which is carried out effective from the date of coming into force of this Chapter.

### DIVISION III AMENDMENTS TO THE CODE

5.03. Any reference in the Code to the NBC (National Building Code) is a reference to the Code specified in Chapter I of the Construction Code, as amended by Division III of this Chapter.

5.04. The Code is amended:

(1) in Section 0:

(1) by deleting “Scope”;

(2) by substituting the following for the definition of “**Electrical Installation**”:

“**Electrical installation** means the installation of any wiring in or upon any land or in a building from the point or points where electric power or energy is delivered therein or thereon by the supply authority or from any other source of supply, to the point or points where

such power or energy can be used therein or thereon by any electrical equipment and shall include the connection of any such wiring with any of the said equipment, and any part of the wiring aforesaid, as well as any baseboard heater, heating panel or luminaire. (See Appendix B);

- (3) by deleting the definition “**Permit**”; and
- (4) by deleting the definition “**Current-permit**”; and
- (5) by inserting the following definition after “**Conduit**”:

“**Connecting point**: The point at which the consumer’s service entrance is connected to the distributor’s supply (see appendix B).”;

- (2) by deleting Rule 2-000;
- (3) by substituting the following for Rule 2-004:

“**2-004 Declaration of Work**. An electrical contractor or owner-builder shall declare to the Régie du bâtiment du Québec the construction work he has carried out and to which Chapter V of the Construction Code applies, except for the work specified in an application for a connection with an electrical public supply authority or for work not requiring the replacement or addition of wiring.

(1) The declaration shall contain the following information:

- (a) The address of the worksite;
- (b) The name, address and telephone number of the person for whom the work is carried out;
- (c) The name, address, telephone number and licence number of the electrical contractor or owner-builder;
- (d) The dates set for the beginning and end of the construction work;
- (e) The nature and type of work, in particular the type of work and a description of the powers to be installed; and
- (f) The use of the building or installation, its number of stories and dwellings.

(2) The declaration shall be made on the form provided by the Board or on any other document drawn up for that purpose.

(3) The declaration shall be sent to the Board no later than on the twentieth day of the month following the date on which the work begins.”;

(4) by deleting Rule 2-006;

(5) by substituting the following for Rule 2-008:

“**2-008 Levies and Fees**.

(1) The levy which every electrical contractor shall pay annually to the Régie du bâtiment du Québec is \$ 600 plus an amount corresponding to 2 1/2 % of the contractor’s total wages.

For the application of this Rule, “total wages” means the total of all wages paid, before deductions, to journeymen and apprentice electricians carrying out construction work to an electrical installation, including hourly or piece work rates, commissions, bonuses, holiday pay and any other form of remuneration. The total annual salary paid to a journeyman or an apprentice electrician by an electrical contractor is considered to be paid to a person assigned to construction work to an electrical installation.

The following payments are not included in total wages:

(a) To a person who qualifies an electrical contractor because of his or her technical knowledge for the issue of a licence; and

(b) For construction work to an electrical installation at a hydroelectric station under construction.

(2) An electrical contractor renting the services of journeymen or apprentice electricians through a third person who does not hold a licence shall include rental costs in calculating the total wages.

(3) A journeyman or an apprentice electrician who is a partner in a partnership is presumed to receive, for the calculation of the total salary, an annual salary of \$ 28 243 for the electrical installation work she or he carries out for that partnership.

(4) The fixed amount of the levy prescribed in Subrule (1) is established on a prorata basis of the number of months for which the licence is valid. Part of a month is deemed to be a whole month.

In case of voluntary renunciation of a holder’s licence, the validity period of the licence is deemed to have ended on the date on which the Board receives notification to that effect.

(5) An electrical contractor shall pay the levy prescribed in this Rule, sending his or her payments to the Board no later than:



- (a) 31 May;
- (b) 31 August;
- (c) 30 November; and
- (d) 28 February.

The payment for 31 May shall be calculated using the total wages from 1 January to 31 March of the current year, that of 31 August on the basis of the total wages from 1 April to 30 June of the current year, that of 30 November on the basis of the total wages from 1 July to 30 September of the current year and that of 28 February on the basis of the total wages from 1 October to 31 December of the preceding year. Each payment must also include the portion applicable to the fixed amount of the levy.

An electrical contractor must also provide with each payment a written declaration indicating the portion of the total wages applicable to each journeyman or apprentice electrician identified by name.

Where a licence is obtained during the year, other than a renewal, an electrical contractor must make his or her first declaration and his or her first payment on the first date specified in the first paragraph that follows the date of issue of the licence by at least two months.

(6) If the electrical contractor fails to send to the Board the declaration prescribed in this Rule or if the Board has reasons to doubt the accuracy of the declaration, the Board makes an estimate of the electrical contractor's total wages. In this case, it is the electrical contractor's responsibility to prove that the estimate is incorrect.

(7) Where it is established that an electrical contractor's total wages differ from the amount used to establish the levy, the Board bills or credits, as the case may be, an amount equal to the difference between the amount levied and the amount calculated according to the actual total wages.

(8) The levy which an electrical owner-builder shall pay annually to the Régie du bâtiment du Québec in accordance with Subrule 5 is \$ 450 plus inspection fees of \$ 119 for the first hour of inspection or fraction thereof, inspection fees corresponding to half the hourly rate for each half-hour of inspection or fraction thereof in addition to the first hour and \$ 56 for each trip related to the inspection.

(9) For approval of the electrical equipment specified in Rules 2-024 and 2-026 which is not already approved

by an organization specified in Rule 2-028(1), approval fees are \$ 119 for the first hour of approval or fraction thereof, half of the hourly rate for each half-hour of approval or fraction thereof in addition to the first hour, plus \$ 56 for each trip related to the approval and \$ 7 for each mark of approval affixed by the Board.

(10) The fees payable under Subrules 8 and 9 shall be paid no later than 30 days after the billing date.”;

(6) by deleting Rules 2-010 and 2-012;

(7) by substituting the following for Rule 2-014:

“**2-014 Plans and Specifications.** An electrical contractor or owner-builder shall not be permitted to begin construction work to an electrical installation governed by Chapter V of the Construction Code unless plans and specification have been drawn up for that work, where the installation requires a service line exceeding 200 kW

Those plans and specifications shall contain the following information:

(1) The name and address of the person responsible for drawing them up;

(2) The type of building or electrical installation and the site where the work will be carried out;

(3) The location of the service and distribution;

(4) The supply voltage and the single line diagram of the service and distribution;

(5) The loads, the rating of the protection and the identification of the feeder and branch circuits at their respective panelboards;

(6) The rated power of each apparatus;

(7) The type and size of raceways used;

(8) The number and rating of conductors used in the raceways;

(9) The rating of cables;

(10) The type of materials, accessories or fixtures installed in hazardous locations;

(11) The size and location of grounding conductors;

(12) A description of all underground parts of the installation;

(13) For an addition to an existing electrical installation, any information related to the part of the installation concerned by the works and a report on the existing loads or of the maximum demand loads of the existing installation recorded for the last twelve months; and

(14) For an electrical installation of more than 750 volts, the vertical and horizontal clearances of live parts, and a description of the grounding and of the mechanical protection of live parts.”;

(8) by deleting Rules 2-016 to 2-020;

(9) by substituting the following for Rules 2-024 to 2-028:

**“2-024 Approval of Electrical Equipment Used in an Electrical Installation or Designed to Derive Energy from an Electrical Installation.**

(1) It shall not be permitted to sell or rent electrical equipment which has not been approved.

(2) All electrical equipment used in an electrical installation shall be approved for the purpose for which it is to be used. Moreover, it shall not be permitted to use equipment which has not been approved in an electrical installation or to connect it permanently to such an installation.

However, for purposes of exhibition, presentation or demonstration, electrical equipment shall be permitted to be used without prior approval provided that it is accompanied with a notice containing the following warning in characters written at least 15 mm high: “NOTICE: This electrical equipment has not been approved for sale or rental as required in Chapter V - Electricity – of the Construction Code.”.

(3) This Rule does not apply to any electrical equipment whose power does not exceed 100 volt-amperes and whose voltage does not exceed 30 volts, with the exception of:

(a) lighting fixtures, thermostats incorporating heat anticipators, electromedical apparatus and apparatus installed in a hazardous location as defined in this Code; and

(b) lighting fixtures and electromedical apparatus designed to derive energy from an electrical installation.

**2-026 Approval of a Prefabricated Building.** A prefabricated building on which construction work to an

electrical installation has not been carried out by an electrical contractor shall not be permitted to be sold, rented, exchanged or acquired unless it has been approved.

**2-028 Mark of Approval:**

(1) Any electrical equipment or prefabricated building is deemed approved if it has received certification by one of the following organizations:

(a) CSA International (CSA);

(b) The Underwriters’ Laboratories of Canada (ULC);

(c) Intertek Testing Services NA Ltd. (WH, cETL);

(d) Underwriters Laboratories Incorporated (cUL);

(e) Entela Canada Inc. (cEntela);

(f) Quality Auditing Institute (cQAI);

(g) MET Laboratories, Inc. (cMET);

(h) TUV Rheiland of America Inc. (cTUV); and

(i) Any other certification organization accredited by the Standards Council of Canada, whose seal or label of approval or certification affixed on a product attests to the product’s compliance with Canadian standards, and where that organization has notified the Board of its accreditation.

Any electrical equipment on which a label is affixed attesting that, without being certified by one of the organizations specified in Subrule (1), the equipment is deemed to comply with the requirements of Standard SPE-1000-99 Model Code for the Field Evaluation of Electrical Equipment published by the Canadian Standards Association and any future amendment or edition published by that organization.

(2) However, approval is not required for each component of electrical equipment where that equipment has received general approval.”;

(10) by inserting the following after Rule 2-118:

**“2-119 Switches or Other Control Devices.** Walls or ceilings enclosing a shower or forming the perimeter of the space above or around a bathtub shall be free of switches or other control devices.”;

(11) by adding the following subrules in Rule 4-022:

“(5) Where the supply authority requires a neutral conductor between the main switch and the meter box, it shall be permitted to use a No. 12 or larger AWG copper conductor if used for metering purposes only.

(6) Notwithstanding Subrule (3), for underground consumer’s service rated at more than 600 A and fed by conductors in parallel, each neutral conductor shall be of the size specified in Table 66.”;

(12) by substituting the following for Rule 6-102:

**“6-102 Number of Low-Voltage Connecting Points Permitted**

(1) A building shall not have more than one connecting point of the same voltage from the same system.

(2) However, an additional connecting point may be installed to supply:

(a) A fire pump and, if necessary, fire alarm systems and emergency lighting systems;

(b) One portion of a building, separated from all other portions of the building by a wall in which there are no openings other than those required for the piping system or conductors for an alarm or communication system, when the building is not more than 4 storeys high and contains only dwelling units; and

(c) A suite of a building in which no other suite is located below or above such suite and which is separated from all other suites by a wall in which there are no openings other than those required for the piping system or conductors for an alarm or communication system.

(3) Where a building is equipped with several connecting points of the same voltage from different systems:

(a) Each suite shall be supplied from only one connecting point;

(b) A permanent diagram of the connecting points shall be posted near each main service box and all the locations or equipment being supplied from each of these points shall appear on that diagram; and

(c) The diagram prescribed in paragraph *b* is not required for a building described in Subrule (2)*b* and in Subrule (2)*c*.”;

(13) by substituting the following for Rule 6-104:

**“6-104 Number of Consumer’s Services Permitted In or On a Building**

(1) The number of low voltage consumer’s services terminating at any one overhead supply service run to a building shall be limited to the following factors:

(a) The total load calculated in accordance with the Code shall not exceed 600 A; and

(b) The number of conductors connected to a supply service conductor shall not exceed four.

(2) In case of change to the electrical installation of a building with more than four conductors connected to one supply service conductor, it shall be permitted to replace those conductors, provided that the total number is not increased and that the total load calculated in accordance with the Code does not exceed 600 A.”;

(14) in Rule 6-112 2, by substituting “8 m” for “9 m”;

(15) in Rule 6-206:

(1) by inserting the words “except in existing buildings,” in Subrule 1c, after the expression “less than 2 m.”;

(2) by deleting the words “, where there is a deviation allowed in accordance with Rule 2-030” in Subrule (1)*d*;

(16) by substituting the following for Rule 6-300 (1)*a*:

(a) Of a type for use in wet locations in accordance with Table 19 and

i. Installed in rigid conduit; or

ii. Subject to Section 18, installed in nonmetallic rigid conduit or electrical nonmetallic tubing, for the underground part; or”;

(17) by substituting the following for Rule 6-302(2):

“(2) Unless installed on existing trestles, any portion of the consumer’s service conductors on the supply side of the consumer’s service head shall not form an exposed wiring on the outside surfaces of a building.”;

(18) by inserting the words “Except for 347/ 600 V underground consumer’s service,” at the beginning of Rule 6-308;

(19) by substituting the following for Rule 6-312(1):

“(1) The consumer’s service raceway shall be sealed; where it enters the building above grade level, it shall also be drained outdoors.”;

(20) by adding the following sentence at the end of Rule 8-106(8):

“This method of calculation shall also be permitted for the replacement of an existing service or feeder.”;

(21) by substituting the following for Rule 8-200(1)*b*:

“(b) i. 100 A; or

ii. 60 A where the living area is less than 80 m<sup>2</sup>; however, where the total calculated load exceeds 60 A, the minimum ampacity shall be 100 A.”;

(22) in Rule 8-202:

(1) by substituting the words “with Subrules (1) and (3)” for the words “with Subrule (1)” in Subrule (2); and

(2) by inserting the words “, except automobile heater receptacles which are included in the basic load of each dwelling” after “75%” in Subrule (3)*d*;

(23) in Rule 8-204 1*a*, by substituting “30 W/ m<sup>2</sup>” for “50 W/ m<sup>2</sup>”;

(24) by substituting the following for Rule 8-302(2):

“(2) Notwithstanding Rule 8-104(3), clothes dryer and storage-tank water heater loads shall be considered to be continuous load.”;

(25) in Rule 8-400:

(1) by deleting Subrule (1)*a*; and

(2) by substituting the following for Subrules (3), (4) and (5):

“(3) For the purpose of Subrules (4) and (5), two single receptacles are considered as one duplex receptacle.

(4) Service conductors or feeder conductors shall be considered as having a basic load of:

(a) 1300 W for each of the first 30 duplex receptacles; plus

(b) 1100 W for each of the next 30 duplex receptacles; plus

(c) 900 W for each of the remaining duplex receptacles.

(5) When the load is controlled, the ampacity of service conductors or feeder conductors shall:

(a) Be determined in accordance with Subrule (4), considering only the maximum number of duplex receptacles that can be supplied simultaneously; or

(b) Be 125% of the maximum load allowed by the controller when a load controller is used.”;

(26) in Rule 10-404, by adding the following subrule:

“(3) Notwithstanding Subrule (2), the installation of a bonding conductor outside an underground raceway shall be permitted provided that the conductor meets the requirements of Rule 10-808(5) and Rule 10-808(6).”;

(27) in Rule 10-702, by adding the following subrule:

“(7) Notwithstanding Subrule (3), it shall be permitted, for structures, to use a rod electrode consisting of a single rod having a resistance to ground of 25 Ω or less.”;

(28) in Rule 10-808, by adding:

(1) in Subrule (5), the following paragraph:

“(c) If direct buried conductors, be not smaller than No. 6 AWG.”;

(2) in Subrule (6), the following paragraph:

“(c) If bare, not be used in an underground installation.”;

(29) by adding the words “Subject to Rule 10-204(1)*b*,” at the beginning of Rule 10-1102(1);

(30) by substituting the following for Rule 12-012(11):

“(11) The presence and location of underground installations shall be indicated by means of a tape buried half-way between the installations and grade level, or by any other similar method ensuring an indication at least equivalent.”;

(31) in Rule 12-108, by adding the following subrule:

“(4) Where the size of neutral conductors is determined in conformity with Rule 4-022, the installation of parallel neutral conductors smaller than No. 1/0 AWG shall be permitted.”;

(32) by substituting the following for Rule 12-312:

“**12-312 Conductors Over Buildings.** Only conductors entering a building shall be permitted to be installed over the building.”;

(33) by substituting the following for Rule 12-504:

**“12-504 Use of Nonmetallic Sheathed Cable.** Non-metallic sheathed cable shall meet the requirements provided for in Rule 2-126.”;

(34) by inserting the following after Rule 12-506:

**“12-507 Wiring Methods in Barns and in Buildings Housing Livestock or Poultry.** Nonmetallic sheathed cable shall be protected against the action of rodents by rigid conduit or electrical metallic tubing when they are:

(a) Located less than 300 mm from any surface capable of giving support to rodents;

(b) Located, notwithstanding Paragraph *a*, on the side of structural elements less than 100 mm from the upper surface of those elements; or

(c) Run through walls and floors or concealed in walls or floors.”;

(35) by substituting the following for Rule 12-1402(1)*b*:

“(b) In Class I and II hazardous locations;”;

(36) by substituting the following for Rule 12-2204(3):

“(3) Subject to the provisions of Rule 2-126, conductors without metal coverings having moisture-resistant insulation of a type listed in Table 19 shall be permitted in ventilated or non-ventilated cable trays where not subject to damage during or after installation in:

(a) Electrical equipment vaults and service rooms; and

(b) Other locations which are inaccessible to the public and are constructed as a service room.”;

(37) in Rule 12-3036, by adding the following subrule:

“(7) Notwithstanding Subrule (2), it shall be permitted to install up to four No. 14 AWG conductors in a box having dimensions of 3 inches in length, 2 inches in width and 1 1/2 inches in depth, containing not more than one connector with insulating cap and one flush-mounted device having a maximum thickness of 1 inch between the strap and the back of the device.”;

(38) in Rule 14-100*b iv*, by inserting the word “metal” before the word “raceway”;

(39) in Rule 18-010:

(1) by inserting the figure “(1)” in the text preceding Paragraph *a* and before the words “Class III”; and

(2) by adding the following subrules:

“(2) For permanently installed woodworking machines, the volume within a vertical cylinder centered around the dust-producing parts of the machine is considered as a Class III, Division 1, location:

(a) When this machine is used for sanding, the radius and height of the cylinder above the floor shall be 3.6 m if the machine is equipped with a dust collector or 9 m in all other cases; and

(b) For other types of machines, the radius and height of the cylinder above the floor shall be 1.8 m if the machine is equipped with a dust collector or 4.5 m in all other cases.

(3) Sawmills in which humidity is excessive shall be considered as Section 22 locations.

(4) The dust collector referred to in Subrule (2) shall be connected to a dust removal system to avoid any dust accumulation in the cylinder.”;

(40) in Rule 18-302 (1), by inserting the words “electrical metallic tubing with rain-tight coupling and connectors” after the words “electrical metallic tubing”;

(41) by adding, at the end of Rule 20-104, the following sentence:

“However, in areas where the type of work is not likely to produce leakage or spillage of flammable liquids, it shall be permitted to install totally enclosed gasketed lighting fixtures in pits or depressions below floor level.”;

(42) by substituting the following for Rule 22-204(5):

“(5) Nonmetallic sheathed cables shall be installed in accordance with Rule 12-507.”;

(43) by deleting Rule 26-008;

(44) in Rule 26-700:

(1) by substituting the following for Subrule (13):

“(13) Except for receptacles installed in accordance with Rule 26-7029(15), receptacles located in bathrooms and installed within 3 m of bathtubs or shower stalls shall be protected by a ground fault circuit interrupter of the Class A type.”; and

(2) by adding the following subrule:

“(14) Receptacles installed within 1 m of a washbasin shall be protected by a ground fault circuit interrupter of the Class A type.”;

(45) in Rule 26-702:

(1) by substituting the words “within 1 m” for the words “adjacent to” in Subrule (13);

(2) by adding the words “ground floor” before the words “single dwelling” in Subrule (18); and

(3) by substituting the following for Subrule (20):

“(20) At least one duplex receptacle shall be provided in each garage or carport of single family dwellings.”;

(46) in Rule 26-704(10), by striking out the words “carport or”;

(47) in Rule 28-108(3), by striking out the words “by special permission.”;

(48) in Rule 28-604(4), by substituting the words “it is capable of safely making and interrupting the locked rotor current of the connected load and is capable of being locked in the open position.” for “it is capable of safely making and interrupting the locked rotor current of the connected load, is capable of being locked in the open position, and it can be demonstrated that location in accordance with Subrule (3) is clearly impracticable.”;

(49) in Rule 30-326(3), by substituting the words “shall be located in accordance with Rule 2-119.” for the words “shall not be located within reach of a person in a shower or bathtub.”;

(50) in Rule 30-1002(1), by adding the following sentence at the end:

“However, when the rated ampacity of the service does not exceed 100 A, it shall be permitted to locate the service equipment at a pole top.”;

(51) in Rule 30-1028, by adding the following subrule:

“(3) It is not required to connect the service neutral to a grounding electrode when the service equipment is located at a pole top. In such cases, the grounding of the service equipment shall be ensured by the grounded circuit conductor.”;

(52) by deleting Rule 30-1120;

(53) in Rule 32-000, by substituting the following for Subrule (1):

“(1) This Section applies to the installation of fire pumps required by Chapter I of the Construction Code”;

(54) by deleting Rules 32-100 to 32-110;

(55) by deleting Rule 36-300(2)*d*;

(56) by deleting Section 38;

(57) by deleting Rule 44-100;

(58) by deleting Section 54;

(59) in Rule 56-200, by deleting

(1) in Subrule (1)*a*, the words “not exceeding 750 V”;

(2) in Subrule (2)*a*, the words “not exceeding 750 V” and

(3) Subrule (3);

(60) by deleting Rule 56-202(1)*c*;

(61) in Rule 56-204(1), by deleting the words “not exceeding 750 V”;

(62) by deleting Rule 60-108;

(63) by deleting Rules 60-500 to 60-510;

(64) by deleting Rules 60-600 to 60-604;

(65) in Rule 62-102, by inserting the following after the definition of “series heating cable set”:

“**Wire mesh heating system** means a heating system which uses concrete-embedded wire mesh as a heating element.”;

(66) by adding the following title and rules after Rule 62-500:

### “Wire Mesh Heating Systems

**62-600 Wire Mesh Heating System.** Rules 62-602 to 62-606 apply to the supply and the connection of wire mesh embedded in a concrete slab or in a concrete wall for heating from the point of emergence from the slab. However, these rules do not apply to the wire mesh or to the part of busbars embedded in concrete.

**62-602 Use**

(1) It shall not be permitted to connect to the electrical supply wire mesh installed in shower rooms, in or around swimming pools or in other locations involving similar risks.

(2) If a wire mesh heating system produces electrical current in metallic parts other than the mesh, the mesh shall not be permanently connected unless these currents are eliminated.

**62-604 Other Conductors and Outlets in a Heated Slab**

(1) Any other conductor shall be placed at least 50 mm from the wire mesh and the busbars and shall be considered to be operating at an ambient temperature of 40°C.

(2) Any outlet to which a lighting fixture or other heat-producing equipment is likely to be connected shall be placed at least 200 mm from the wire mesh.

**62-606 Transformers for Wire Mesh Heating Systems**

(1) Transformers supplying wire mesh heating systems shall have a grounded electrostatic shield between the primary and the secondary winding.

(2) The secondary voltage of a transformer supplying a wire mesh heating system shall not exceed 30 V measured on the secondary side of a single-phase transformer or between two phases on the secondary side of a three-phase transformer.

(3) The conductors on the secondary side of a transformer supplying a wire mesh heating system do not require overcurrent protection.”;

(67) by deleting Rule 66-000 (2);

(68) by adding the following title and rules after Rule 66-504:

**“Itinerant Rides**

**66-600 Bonding.** Notwithstanding Rules 66-200 and 66-202, an itinerant ride may also be bonded by one of the following means :

(1) A loop-shaped copper conductor at least equal in size to that mentioned in Table 16 but no less than No. 6 AWG and installed so as to form a loop around the ride or around the group of rides connected to the supply

system of those rides. The ends of the loop shall be connected to a block whose terminals are connected to the grounded neutral conductor of the supply system. The noncurrent-carrying metallic parts of the supply system and of the rides connected to the system shall be connected to the loop-shaped conductor by means of a copper conductor at least equal in size to that specified in Table 16 but no less than No. 6 AWG ;

(2) An insulated copper conductor, attached to the supply cable, at least equal in size to that specified in Table 16 but no less than No. 6 AWG.

**66-602** An itinerant ride may be connected to the supply system by means of a movable splitter provided the latter is made of a waterproof material and that it is raised to at least 25 mm from the surface on which it is installed.

**66-604** The cover of a box containing live parts shall be screwed or key-locked. Failing that, the box shall be rendered inaccessible to the public.

**66-606** An attachment plug used to supply an amusement ride shall be of the locking type or the equivalent. Moreover, any attachment plug which does not ensure the simultaneous disconnecting of all conductors shall be inaccessible to the public.”;

(69) by deleting Rule 70-112e;

(70) in Rule 72-102, by adding the following subrule :

“(4) For the purposes of Subrule (2), where receptacles of different ratings are installed on one lot, the receptacle having the highest ampere rating shall serve as a basis for calculation.”;

(71) by substituting the following for Rule 72-104 :

**“72-104 Feeders.** Feeders between the park consumer’s service equipment and the park distribution centers shall be installed in accordance with the bonding requirements.”;

(72) in Rule 72-110, by adding the following subrules :

“(4) Each recreational vehicle lot equipped with sewers shall be equipped with at least one receptacle of each of the types described in Subrule (1)a and Subrule (1)b.

(5) Each recreational vehicle lot equipped with one water outlet only shall be provided with at least one receptacle of the type described in Subrule (1)a.”;

(73) in Rule 76-016, by substituting the words “unless an acceptable warning has been posted at all interconnecting points or other points.” for the words or other dangerous places “except by special permission.”;

(74) in Rule 78-064, by substituting the word “highest” for the word “lowest”;

(75) in Table 14, by substituting “30” for “50” for all “Office” types of occupancy and for “Banks” in the “Watts Per Square Metre” column.

(76) by adding the following table after Table 65 :

“Table 66  
(See Rule 4-022(6))

**Minimum Size of Neutral Conductors for Underground Consumer’s Services Rated at More Than 600 A and Fed by Conductors in Parallel**

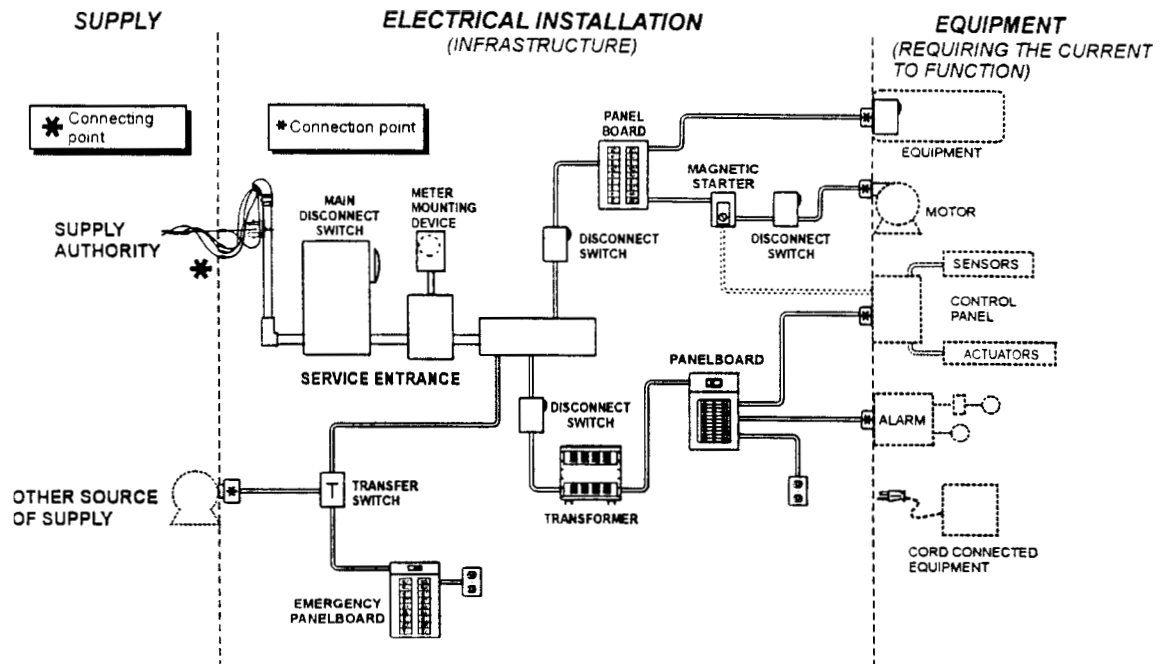
Nominal Rating of Service Equipment Amperes	AWG Size of Each Copper Neutral Conductor	AWG Size of Each Aluminum Neutral Conductor
601 – 1200	0	000
1200 – 2000	00	0000
2001 or more	000	250 kmil

(77) in Appendix B :

(1) in Section 0, by adding the following note after the note “Ground fault circuit interrupter”:

“Electrical installation

*From the definition of “electrical installation” it is understood that installations, from the connecting point where the supply authority supplies the customer or from any other supply, to the connection point where the fixture receives its power to function, are electrical installations as defined in the Code. “Electrical installation” therefore means the “infrastructure” used to direct the electrical current to equipment requiring the current to function (appliance, equipment, specialized system) but not such equipment. The following systems in particular are not electrical installations as defined in the Code: intercommunication systems, public address systems, synchronized clock systems, visual, sound or voice signalling systems, telephony systems, their interconnection to the telephone network, closed circuit television systems, access cards, community antennae, instrumentation and regulation systems related to heating, air conditioning, air venting and industrial processes, burglar alarm systems and fire alarm systems.*





(2) in Section 0, by adding the following note after the note “Neutral”:

“Connecting point

*The connecting point for the supply of the electrical installation of a building or structure shall be situated on the closest wall to the line of the electric distributor.*

*However it may be situated:*

*(1) if the system of the electric distributor is an overhead system:*

*(a) in the case of a 750-volt supply or less:*

*i. either on one of the adjacent walls closest to the line of the electric distributor and at the most 3 metres away from it, when the service conductors of the electric distributor make an angle of 5 degrees or more in relation to one of the walls; however that distance may be wider when the service conductors of the electric distributor make an angle of 15 degrees or more in relation to one of the walls; or*

*ii. on a pole or other structure*

*(b) in the case of a supply at more than 750 volts: upstream of the shackle insulators on the receiving structure; and*

*(c) whatever the supply voltage: on a pole or structure belonging to the electric distributor, subject to the specific requirements of such distributor;*

*(2) if the system of the electric distributor is an underground system:*

*(a) in the case of a 750-volt installation or less: in a manhole located outside the building, on the meter mounting device, on a multiple-meter mounting device, in a service connecting box, or in the main disconnect switch; however, when the distributor service connectors enter the building, they must have a mechanical protection and if they end at the main disconnect switch, they must comply with that switch approval specifications;*

*(b) in the case of a supply at more than 750 volts: upstream of the shackle insulators of the owner on his receiving structure, in a manhole located outside the building, in a compartment of the service entrance or in a box specifically designed for that purpose; however, when the distributor service connectors enter the building, they must have a mechanical protection; and*

*(3) If the supply comes from a non-network station, at the secondary taps of the transformers, the connecting point may also be located at the taps of the raceways in an adjacent room.*

(3) in Rule 2-126, by substituting the following for the first paragraph of the note:

Requirements for cables with nonmetallic sheathing and totally enclosed nonmetallic raceways can be found in the NBC as follows:

Combustible building construction ..... Article 3.1.4.3.  
 Noncombustible building  
 construction ..... Article 3.1.5.17.  
 Nonmetallic raceways ..... Article 3.1.5.19.  
 Penetration by wires, cables and  
 outlet boxes ..... Article 3.1.9.3.  
 Plenum spaces in buildings ..... Article 3.6.4.3.  
 Required ventilation ..... Article 6.2.2.1.  
 Service equipment penetrating a  
 fire separation ..... Article 9.10.9.6.  
 Mechanical ventilation ..... Article 9.32.3.  
 Wires and cables ..... Article 9.34.1.5.

Under the NBC, Subsection 2.1.3., the housing and small buildings in Part 9 are buildings of 3 storeys or less in building height, having a building area not exceeding 600 m<sup>2</sup> and used for major occupancies classified as:

*(a) Group C, residential occupancies;*  
*(b) Group D, business and personal service occupancies;*  
*(c) Group E, mercantile occupancies; or*  
*(d) Group F, Divisions 2 and 3, medium and low hazard industrial occupancies.”;*

(4) in Rule 6-112(4), by deleting:

(1) in paragraph *a* of the second paragraph, “200 A or”; and

(2) paragraph *b* of the second paragraph;

(5) by deleting Rule 12-504;

(6) by deleting Rule 26-008;

(7) by inserting the following note after the note related to Rules 26-702(2) and 26-702(24):

“26-702(12)*c* It is understood, from the expression “unfinished”, that, even after the installation of the wall covering (gypsum, etc.), it could be impossible to find

*the appropriate location of the receptacles required by Rule 26-702 3, when partitions and usable wall space have not yet been delimited. Thus, a basement shall not be considered as a finished basement, even if the foundation walls are finished, while the ceiling is not finished or partly finished. However, the installation of a duplex receptacle required under Rule 26-702 12c does not exempt from the installation of receptacles of specific use already required by other rules of this Code.”; and*

(8) by deleting Rule 30-326 (3).

#### **DIVISION IV PENAL**

**5.05.** Any infringement of one of the provisions of this Chapter, except for Rule 2-008 introduced by paragraph 5 of section 5.04 of this Chapter, is an offence.”.

**6.** This Regulation replaces the Plumbing Code (R.R.Q., 1981, c. I-12.1, r.1), the Plumbing Code made by Order in Council 567-98 dated 22 April 1998, the Canadian Electrical Code, Part I (Eighteenth Edition), CSA C22.1-98 (Canadian Electrical Code) approved by Order in Council 118-99 dated 10 February 1999, the Regulation respecting electrical installations (R.R.Q., 1981, c. I-13.01, r.3) and the Regulation respecting lightening rods made by Order in Council 2423-82 dated 20 October 1982.

**7.** This Regulation comes into force on 1 October 2002, except for Rule 2-026 introduced by paragraph 9 of section 5.04 of this Chapter which comes into force on 1 January 2003.

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Gouvernement du Québec

### **O.C. 962-2002, 21 August 2002**

Building Act  
(R.S.Q., c. B-1.1)

#### **Regulation — Amendments**

Regulation to amend the Regulation respecting the application of the Building Act

WHEREAS, under section 4.1 of the Building Act (R.S.Q., c. B-1.1) and subparagraph 1 of the first paragraph of section 182 of the Act, the Government may, by regulation, exempt, *inter alia*, categories of owner-builders, buildings and installations from the application of the Act, in whole or in part;

WHEREAS, under subparagraph 3 of the first paragraph of section 182 of the Act, the Government may, by regulation, determine the extent to which the Government, its departments and agencies that are mandataries of the State are bound by the Act;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation to amend the Regulation respecting the application of the Building Act was published in Part 2 of the *Gazette officielle du Québec* of 24 October 2001 with a notice that it could be made by the Government, with or without amendment, upon the expiry of 90 days following that publication;

WHEREAS the comments received were studied;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Human Resources and Labour and Minister of Labour:

THAT the Regulation to amend the Regulation respecting the application of the Building Act, attached hereto, be made.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

### **Regulation to amend the Regulation respecting the application of the Building Act\***

Building Act  
(R.S.Q., c. B-1.1, s. 182, 1st par., subpars. 1 and 3)

**1.** Section 1 of the Regulation respecting the application of the Building Act is amended by adding the following after subparagraph 3 of the first paragraph:

“(4) for construction work on the electrical installation of an electrical station or a branch used for generating, transmitting, transforming or distributing electric power by a public electricity distribution undertaking and that is carried out by employees of the said undertaking.”.

\* The Regulation respecting the application of the Building Act, made by Order in Council 375-95 dated 22 March 1995 (1995, *G.O.* 2, 1100), was last amended by the Regulation made by Order in Council 191-2001 dated 28 February 2001 (2001, *G.O.* 2, 1335). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2002, updated to 1 March 2002.

**2.** The following is inserted after section 3.3:

**“DIVISION II.1  
EXEMPTION FROM THE APPLICATION OF  
CHAPTER V OF THE CONSTRUCTION CODE**

**3.3.1.** The following installations are exempt from the application of Chapter V of the Construction Code introduced by the Regulation to amend the Construction Code approved by Order in Council 961-2002 dated 21 August 2002:

(1) electric lighting installations attached to a pole used for electrical power distribution by a public electricity distribution undertaking;

(2) installations used for the operation of a subway and powered exclusively by circuits supplying the railway of that subway.

**3.3.2.** An owner-builder who keeps a register containing the information required for the declaration of work is exempt from that declaration provided for in Chapter V of the Construction Code.”.

**3.** Section 3.5 is amended by substituting “, facilities for public use and electrical installations independent of a building” for “and facilities for public use”.

**4.** This Regulation comes into force on 1 October 2002.

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Gouvernement du Québec

**O.C. 963-2002, 21 August 2002**

Buildings Safety Act  
(R.S.Q., c. S-3)

**Amusement Rides  
— Amendments**

Regulation to amend the Amusement Rides Regulation

WHEREAS, under paragraphs *a*, *b* and *e* of subsection 1 of section 39 of the Public Buildings Safety Act (R.S.Q., c. S-3), the Government may make regulations respecting the construction and solidity of public buildings so as to ensure the safety of those who frequent them, the precautions to be taken against fire and the safe operation of those buildings;

WHEREAS, under section 2 of the Act, amusement park rides are designated as public buildings;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation to amend the Amusement Rides Regulation was published in Part 2 of the *Gazette officielle du Québec* of 24 October 2001 with a notice that it could be made by the Government, with or without amendment, upon the expiry of 90 days following that publication;

WHEREAS no comments were submitted;

WHEREAS it is expedient to make the Regulation with amendment;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Human Resources and Labour and Minister of Labour:

THAT the Regulation to amend the Amusement Rides Regulation, attached hereto, be made.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

**Regulation to amend the Amusement  
Rides Regulation\***

Public Buildings Safety Act  
(R.S.Q., c. S-3, s. 39)

**1.** Section 1 of the Amusement Rides Regulation is amended by substituting the following for the definition of “Electrical Code”:

““Electrical Code” means the Code referred to in Chapter V of the Building Code introduced by the Regulation to amend the Construction Code approved by Order in Council 961-2002 dated 21 August 2002, as amended by Division III of that Chapter.”.

**2.** Section 52 is amended by substituting “Electrical Code” for “Act respecting electrical installations (R.S.Q., c. I-13.01) and its regulations”.

**3.** This Regulation comes into force on 1 October 2002.

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\* There have been no previous amendments to the Amusement Rides Regulation made by Order in Council 649-91 dated 8 May 1991 (1991, *G.O.* 2, 1705).

Gouvernement du Québec

## O.C. 964-2002, 21 August 2002

Building Act  
(R.S.Q., c. B-1.1)

### Safety Code

Safety Code

WHEREAS, under section 175 of the Building Act (R.S.Q., c. B-1.1), the Régie du bâtiment du Québec shall by regulation adopt a Safety Code containing safety standards for buildings, for facilities intended for use by the public, for installations independent of a building and their vicinity and standards for their maintenance, use, state of repair, operation and hygiene;

WHEREAS, under section 176 of the Act, the Safety Code may require manufacturers to provide instructions regarding the assembly, erection, maintenance and inspection of materials, facilities and installations;

WHEREAS, under section 176.1 of the Act, the Safety Code may, with respect to the matters to which it applies, contain provisions concerning the subjects listed in section 185 of the Act;

WHEREAS, under section 178 of the Act, the Safety Code may require observance of a technical standard drawn up by another government or by an agency empowered to draw up such standards and provide that any reference they make to other standards include subsequent amendments;

WHEREAS, under section 179 of the Act, the Board may determine the provisions of the Safety Code the infringement of which constitutes an offence under paragraph 7 of section 194 of the Act;

WHEREAS, under section 192 of the Act, the contents of the Safety Code may vary according to the classes of persons, contractors, owner-builders, owners of buildings, facilities intended for use by the public or installations independent of a building and classes of buildings, pressure installations, facilities or installations to which the Code applies;

WHEREAS the Board adopted the Safety Code;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Safety Code was published in Part 2 of the *Gazette officielle du Québec* of 24 October 2001, with a notice that it could be approved by the Government with or without amendment upon the expiry of 90 days following that publication;

WHEREAS the comments received were studied;

WHEREAS, under section 189 of the Building Act, every code of the Board is subject to approval by the Government which may approve it with or without amendment;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Human Resources and Labour and Minister of Labour:

THAT the Safety Code, attached hereto, be approved.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

## Safety Code

Building Act  
(R.S.Q., c. B-1.1, ss. 175, 176, 176.1, 178, 179 and 185,  
1st par., subpars. 37 and 38)

### CHAPTER I PLUMBING

**1.** In this Chapter, the terms “fixture”, “back-siphonage preventer or vacuum breaker”, “backflow preventer”, “plumbing system”, “cleanout”, “water system” and “trap” have the meaning given to them by the National Plumbing Code of Canada 1995 as defined by section 3.01 of Chapter III of the Construction Code made pursuant to the Building Act (R.S.Q., c. B-1.1) and, where applicable, amended by section 3.03 of that Chapter.

**2.** A plumbing system located in a building or in a facility intended for public use shall be kept in safe, sanitary and proper working condition.

**3.** A fixture that is not used for an indefinite period or whose trap seal depth in the trap cannot be maintained shall be disconnected from its waste and feed pipes which shall be tightly sealed.

**4.** Accessibility to any valve, vacuum relief valve, back-siphonage preventer or vacuum breaker, backflow preventer, expansion joint, floor drain, sump, interceptor, flush valve or flush tank, water heater, hot water tank or cleanout shall be maintained. Should a construction or permanent obstacle be installed, a trapdoor shall allow access for maintenance or repair of that device. This also applies to the supply or waste connections of a lavatory, sink or laundry tray.

**5.** All parts of a non-potable water system shall remain distinctively marked.

**6.** No connection may be made between a public supply system of potable water and a private water supply source.

**7.** Any connection to a water supply system shall be protected from contamination hazards in accordance with standards CSA-B64.10-01 “Manual for the Selection and Installation of Backflow Prevention Devices” and CSA-B64.10.1-01 “Manual for the Maintenance and Field Testing of Backflow Prevention Devices” published by the Canadian Standards Association, as well as any amendment and future editions that may be published by that agency.

**8.** Any contravention to a provision of this Chapter constitutes an offence.

## CHAPTER II ELECTRICITY

**9.** In this Chapter, the terms “accessible”, “electrical equipment”, “permanently connected equipment”, “approved”, “hydromassage bathtub”, “therapeutic pool”, “service”, “circuit breaker”, “ground fault circuit interrupter”, “overcurrent device”, “hazardous location”, “readily accessible”, “inaccessible”, “electrical installation”, “swimming pool”, “receptacle” and “alive or live” have the meaning given by the Canadian Electrical Code Part I, Eighteenth Edition, as defined by section 5.01 of Chapter V of the Building Code made under the Building Act (R.S.Q., c. B-1.1) and, where applicable, amended by section 5.04 of that Chapter.

**10.** An electrical installation shall be used for the purposes for which it was designed and is intended and it shall be kept in safe and proper working condition.

**11.** Any electrical equipment used in an electrical installation or any equipment permanently connected to such installation shall be approved for the use for which it is intended.

**12.** An electrical installation shall be used and maintained in a manner that does not constitute a fire hazard.

**13.** Any required rectification shall be made to an electrical installation when hazardous operating conditions have developed due to, in particular, intensive use, wear and tear, obsolescence or modifications.

**14.** The marking which indicates the minimum ratings of an electrical equipment shall be complied with.

Where a component of the equipment must be replaced, the features of the new component shall be compatible with those indicated by the marking.

**15.** A bare live part shall be protected against any accidental contact or be located in an inaccessible place or compartment.

**16.** Service entrance equipment, panelboards and distribution equipment shall be readily accessible at all times.

**17.** Electrical equipment vaults shall not be used for storage purposes.

**18.** Electrical equipment vaults shall not be maintained at excessive temperatures.

**19.** Electrical equipment vaults shall be inaccessible.

**20.** Overcurrent devices shall be of a current rating appropriate for their use. They shall not show obvious signs of damage or overheating. Their connections shall neither be loose nor corroded.

**21.** Overcurrent devices shall be of a type and current rating appropriate for the protected electrical installation and be replaced, if need be, by devices of the same current rating.

**22.** A ground fault circuit interrupter shall protect

(1) electrical equipment immersed in a swimming pool;

(2) audio-amplifiers connected to speakers immersed in a swimming pool;

(3) electrical equipment located within 3 m of the inside walls of a swimming pool and not separated from the pool by a wall, partition or fence;

(4) therapeutic pools and hydromassage bathtubs;

(5) receptacle outlets located in a bathroom and installed less than 3 m from the bathtub or shower unit. That requirement does not apply to a receptacle combined with an isolating transformer or to an outlet for a washing machine where it is located on the wall behind the machine no more than 600 mm above the floor.

**23.** Circuit breakers of air conditioning and ventilation installations shall be checked and tested at least once every 12 months so as to make sure that the power supply can be interrupted in case of emergency.

**24.** Electrical equipment shall comply with Chapter V of the Construction Code, if it is in the presence of flammable gases or vapours or airborne combustible dusts or fibres in sufficient quantity to constitute a fire or explosion hazard.

**25.** Any contravention to a provision of this Chapter constitutes an offence.

**26.** This Code comes into force on 1 October 2002, except section 7 which will come into force on 1 April 2003.

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Gouvernement du Québec

**O.C. 965-2002**, 21 August 2002

Building Act  
(R.S.Q., c. B-1.1)

**Building contractors and owner-builders  
— Professional qualification**

Regulation to amend the Regulation respecting the professional qualification of building contractors and owner-builders

WHEREAS, under paragraphs 8, 9, 12, 13, 17, 18 and 38 of section 185 and section 192 of the Building Act (R.S.Q., c. B-1.1), the Régie du bâtiment du Québec may make regulations on the matters set forth therein and the contents of the regulations may vary according to the classes of persons, contractors or owner-builders to which they apply;

WHEREAS the Board made the Regulation to amend the Regulation respecting the professional qualification of building contractors and owner-builders;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the Regulation to amend the Regulation respecting the professional qualification of building contractors and owner-builders was published in Part 2 of the *Gazette officielle du Québec* of 24 October 2001, with a notice that it could be approved by the Government with or without amendment upon the expiry of a 90-day period following that publication;

WHEREAS the comments received were studied;

WHEREAS, under section 189 of the Building Act, every regulation of the Board is subject to approval by the Government which may approve it with or without amendment;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Human Resources and Labour and Minister of Labour:

THAT the Regulation to amend the Regulation respecting the professional qualification of building contractors and owner-builders, attached hereto, be approved.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

**Regulation to amend the Regulation  
respecting the professional qualification  
of building contractors and  
owner-builders\***

Building Act  
(R.S.Q., c. B-1.1, s. 185, pars. 8, 9, 12, 13, 17, 18 and 38 and s. 192)

**1.** Section 1 of the Regulation respecting the professional qualification of building contractors and owner-builders is amended by adding “and for construction work on an electrical installation by an owner-builder, the term “officer” also comprises journeymen electricians who plied the trade of electrician for at least two years, are full-time employees of the owner-builder and are in charge of such work on behalf of the owner-builder” at the end of the definition of “officer”.

**2.** Section 7 is amended

(1) by striking out “social insurance number,” in paragraph 1; and

(2) by striking out “social insurance number” in paragraph 2.

**3.** Section 15 is amended by adding “with the exception of subparagraph 2 of the first paragraph of that section as regards the condition provided for in subparagraph 8.1 of the first paragraph of section 58 or in subparagraph 6.2 of the first paragraph of section 60,

\* The Regulation respecting the professional qualification of building contractors and owner-builders, approved by Order in Council 876-92 dated 10 June 1992 (1992, *G.O.* 2, 2926), was last amended by the Regulation approved by Order in Council 921-2001 dated 31 July 2001 (2001, *G.O.* 2, 4783). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2002, updated to 1 March 2002.

subparagraphs 7 to 10 of the first paragraph of section 70 and section 297.2 of the Act” at the end of subparagraph *c* of paragraph 2.

**4.** Section 19 is amended by adding “with the exception of subparagraph 2 of the first paragraph of that section as regards the condition provided for in subparagraph 8.1 of the first paragraph of section 58 or in subparagraph 6.2 of the first paragraph of section 60, subparagraphs 7 to 10 of the first paragraph of section 70 and section 297.2 of the Act” at the end of subparagraph *c* of paragraph 2.

**5.** Section 23 is amended by adding “with the exception of subparagraph 2 of the first paragraph of that section as regards the condition provided for in subparagraph 8.1 of the first paragraph of section 58 or in subparagraph 6.2 of the first paragraph of section 60, subparagraphs 7 to 10 of the first paragraph of section 70 and section 297.2 of the Act” at the end of subparagraph *c* of paragraph 2.

**6.** Section 32 is amended

(1) by striking out “social insurance number,” and by substituting “and, where applicable, the number of the declaration of registration deposited in the register of sole proprietorships, partnerships and legal persons” for “, his passport size photograph taken during the last six months and, as the case may be, copy of the registration of the corporate name declaration” in paragraph 1;

(2) by substituting “its name, the address of its head office and, where applicable, the number” for “the corporate name, the address of the main place of business and, as the case may be, a copy of the registration of the corporate name declaration or a copy” in paragraph 2;

(3) by substituting “and a statement to the truthfulness of the information he supplies” for “, a statement to the truthfulness of the information he supplies and his passport size photograph taken during the last six months” in paragraph 3;

(4) by substituting “establishment” for “business place” in paragraph 4; and

(5) by inserting the following after paragraph 7:

“(7.1) the address of the work site or sites of which the journeyman electrician is in charge on behalf of the owner-builder;”.

**7.** Section 34 is amended by inserting “and, where applicable, of each work site of which the journeyman electrician is in charge on behalf of the owner-builder” after “site” in the second paragraph.

**8.** Section 39 is amended

(1) by substituting “, 11 and 12” for “and 7 to 12” in subparagraph *c* of paragraph 2; and

(2) by substituting “, 11 and 12” for “and 7 to 12” in subparagraph *b* of paragraph 3.

**9.** Section 42 is amended by adding the following paragraph at the end:

“The exigible fees shall be established in proportion to the number of valid months of the licence where the licence is issued for a term of less than one year. A portion of month shall count for one full month.”.

**10.** Section 44 is revoked.

**11.** The following sections are inserted after section 51.3:

“**51.4** The holder of a licence issued under section 20 of the Act respecting electrical installations (R.S.Q., c. I-13.01) who is, on 30 September 2002, the guarantor as officer of a partnership or legal person that holds a contractor’s or an owner-builder’s licence may continue, for the same licence subcategories, to act as a guarantor for such partnership or legal person until 30 September 2004.

**51.5** A journeyman electrician who applies for a licence as officer for construction work on an electrical installation of which he is in charge for an owner-builder and meets one of the conditions for exemption provided for in paragraph 3 of section 9 of the Regulation respecting electrical installations (R.R.Q., 1981, c. I-13.01, r.3) is exempted from the examination provided for in section 36 until 30 September 2004.”.

**12.** Schedule B is amended

(1) by striking out subcategories “4230.3 Air ducts maintenance contractor”, “4512 Construction scaffolding contractor” and “4519 Construction site cleaning up contractor”;

(2) by substituting “electrical contractors” for “master electricians” in subcategories “4250.1 Intercommunication systems contractor”, “4250.2 Telephone systems contractor”, “4250.3 Monitoring systems contractor”, “4250.4 Instrumentation and control systems contractor”, “4252.1 Anti-theft alarm systems contractor”, “4252.2 Fire alarm systems contractor”, “4270 Transportation systems contractor”, “4503 Lightning protection contractor”, “4513 Solid fuel secondary heating appliances installation contractor” and “4517 Underground water pumping systems contractor”;

(3) by substituting the following for subcategory “4284 Electrical contractor”:

“4284 Electrical contractor:

This subcategory includes the construction work on an electrical installation to which Chapter V of the Construction Code introduced by the Regulation to amend the Construction Code approved by Order in Council 961-2002 dated 21 August 2002 applies, with the exception of demolition work. It is work of the exclusive jurisdiction of the electrical constructor.

It also includes construction work on appliances permanently connected to the electrical installation if they are governed by Chapter V of the Construction Code and if they are not part of another specific subcategory, as well as construction work included in subcategories 4250.1, 4250.2, 4250.3, 4250.4, 4252.1 and 4252.2. It also includes related construction work.”; and

(4) by adding “It also includes related construction work.” at the end of subcategories “4285.10 Warm air heating systems contractor”, “4285.11 Natural gas burner systems contractor”, “4285.12 Oil burner systems contractor”, “4285.13 Hot water and steam heating systems contractor” and “4285.14 Plumbing contractor”.

**13.** This Regulation comes into force on 1 October 2002.

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Gouvernement du Québec

## **O.C. 966-2002, 21 August 2002**

An Act respecting occupational health and safety (R.S.Q., c. S-2.1)

### **Ministère de la Santé et des Services sociaux — Implementation of the agreement on any program**

Regulation respecting the implementation of the agreement on any program of the Ministère de la Santé et des Services sociaux

WHEREAS, under section 16 of the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001), a person doing work under a project of any government, whether or not the person is a worker within the meaning of that Act, may be considered to be a worker employed by that government, by an agency or by a legal person, on the conditions and to the extent provided by an agreement between the Commission de

la santé et de la sécurité du travail and the government, agency or legal person concerned;

WHEREAS the Commission and the Ministère de la Santé et des Services sociaux have entered into such an agreement to consider the persons admitted to any program of the Ministère de la Santé et des Services sociaux to be workers;

WHEREAS, under section 170 and subparagraph 39 of the first paragraph of section 223 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1), the Commission may make regulations taking the necessary measures for the implementation of such an agreement;

WHEREAS, in accordance with section 224 of that Act and sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation was published in Part 2 of the *Gazette officielle du Québec* of 17 January 2001, with a notice that it could be made by the Commission with or without amendments and submitted to the Government for approval, upon the expiry of 60 days following that notice;

WHEREAS at its sitting of 21 March 2002, the Commission adopted the Regulation respecting the implementation of the agreement on any program of the Ministère de la Santé et des Services sociaux, with amendments;

WHEREAS it is expedient to approve the Regulation;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Human Resources and Labour and Minister of Labour:

THAT the Regulation respecting the implementation of the agreement on any program of the Ministère de la Santé et des Services sociaux, attached to this Order in Council, be approved.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

### **Regulation respecting the implementation of the agreement on any program of the Ministère de la Santé et des Services sociaux**

An Act respecting occupational health and safety (R.S.Q., c. S-2.1, s. 223, 1st par., subpar. 39)

**1.** The Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001) applies to persons who participate in any program of the Ministère de la



Santé et des Services sociaux to the extent and on the conditions provided by the agreement entered into by the Minister of Health and Social Services with the Commission de la santé et de la sécurité du travail attached as Schedule I.

**2.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

## SCHEDULE I

### AGREEMENT BETWEEN

THE MINISTER OF HEALTH AND SOCIAL SERVICES

AND

THE COMMISSION DE LA SANTÉ ET DE LA SÉCURITÉ DU TRAVAIL

WHEREAS, under section 1 of the Act respecting the Ministère de la Santé et des Services sociaux (R.S.Q., c. M-19.2), the Minister of Health and Social Services shall have charge of the direction and administration of the Ministère de la Santé et des Services sociaux and of the application of the Acts and regulations respecting health and social services;

WHEREAS, under paragraph *h* of section 3 of the same Act, the Minister shall in particular promote the development and implementation of programs and services according to the needs of individuals, and families and other groups;

WHEREAS, under section 10 of the same Act, the Minister may enter into agreements with any government, one of its departments, with an international organization or with an agency of that government or organization for the purposes of the application of the Act or another Act within the competence of the Minister;

WHEREAS, under section 138 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1), the Commission de la santé et de la sécurité du travail is a legal person within the meaning of the Civil Code of Québec and has the general powers of such a legal person and the special powers conferred upon it by that Act;

WHEREAS, under section 170 of the same Act, the Commission may make agreements with a Government department or agency, another government or a department or agency of such a government for the application of the Acts and regulations administered by it, according to law;

WHEREAS the Minister requires that the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001) be applicable to workers covered by this Agreement and he or she intends to assume the obligations prescribed for employers;

WHEREAS, under section 16 of the Act respecting industrial accidents and occupational diseases, a person doing work under a project of any government, whether or not the person is a worker, may be considered to be a worker employed by that government, by an agency or by a legal person, on the conditions and to the extent provided by an agreement between the Commission and the government, agency or legal person concerned;

WHEREAS, under section 16 of that Act, the second paragraph of section 170 of the Act respecting occupational health and safety applies to the agreement, to wit, that the Commission may, by regulation, put into effect an agreement extending benefits arising out of Acts or regulations administered by it;

THEREFORE, THE PARTIES AGREE AS FOLLOWS :

### CHAPTER 1.00 ENABLING PROVISION

Enabling provision 1.01 This Agreement is entered into under section 16 of the Act.

### CHAPTER 2.00 PURPOSES

Purposes 2.01 The purposes of this Agreement is to provide to what extent and on what conditions the Act is to apply to the workers governed and to determine the respective obligations of the Minister and the Commission.

### CHAPTER 3.00 DEFINITIONS

For the purposes of this Agreement,

“service employment paycheque” (a) “service employment paycheque” means the method of paying for services provided by a worker, which will be managed by Services de paie Desjardins or any other organization called upon to perform that function;

“Commission”	(b) “Commission” means the Commission de la santé et de la sécurité du travail;			Ministère de la Santé et des Services sociaux, nor of any category of institutions specified in the Act respecting health services and social services or of regional boards established under that Act.
“employment injury”	(c) “employment injury” means an injury or a disease arising out of or in the course of an industrial accident, or an occupational disease, including a recurrence, relapse or aggravation within the meaning of the Act;	General obligations	4.02	As the employer, the Minister is bound by all the obligations imposed by the Act, with any adaptations required, including the obligation to keep a register of industrial accidents occurring in users’ domiciles.
“Act”	(d) “Act” means the Act respecting industrial accidents and occupational diseases;			
“Minister”	(e) “Minister” means the Minister of Health and Social Services;	Register of accidents		Notwithstanding the first paragraph, in the case of the register referred to therein, the Minister is required to put the register at the disposal of the Commission only.
“worker”	(f) “worker” means a person who provides services to a user, particularly under the program indicated in Schedule 1, and whose remuneration is paid by means of the service employment paycheque;	Information		Upon request by the Commission, the Minister shall send a description of the tasks and activities performed by the worker when the employment injury occurred.
“user”	(g) “user” means a user referred to in the Act respecting health services and social services (R.S.Q., c. S-4.2) who uses the services of a worker within the meaning of this Agreement.	Exceptions	4.03	Notwithstanding section 4.02, section 32 of the Act concerning the dismissal, suspension or transfer of a worker, discriminatory measures or reprisals, as well as Chapter VII concerning the right to return to work, are not applicable to the Minister.

#### CHAPTER 4.00 MINISTER’S OBLIGATIONS

Employer	4.01 The Minister is deemed to be the employer of any worker covered by this Agreement.	First aid		The Minister shall see that first aid is given to a worker suffering from an employment injury, in accordance with sections 190 and 191 of the Act, and pay the related costs.
Restrictions	Notwithstanding the foregoing, the employer-employee relationship shall be recognized as such only for the purposes of indemnification, assessment and imputation of the cost of benefits payable under the Act and shall not be deemed to be an admission of a factual situation lending itself to interpretation in other fields of activity.	Payment of assessment	4.04	The Minister undertakes to pay the assessment calculated by the Commission in accordance with the Act and the regulations thereunder, as well as the fixed administration expenses related to each special envelope.
Exclusions	The workers covered by this Agreement are neither employees, public servants or officers of the Gouvernement du Québec, including the	Assessment	4.05	For assessment purposes, the Minister is deemed to pay a salary corresponding to the annual gross employment income paid to the worker by means of the service employment paycheque.

Annual statement	<p>4.06 Each year before 15 March, the Minister shall send the Commission a statement indicating</p> <p>(1) the amount of annual gross salaries earned by the workers covered by this Agreement during the preceding calendar year; and</p> <p>(2) an estimate of annual gross salaries that will be paid to the workers covered by this Agreement during the current calendar year.</p>	<p>day the worker became unable to carry on his employment and for all the time of that inability, the income replacement indemnity determined by the Commission based on the gross annual employment income determined by it, in accordance with the Act.</p>
Register	<p>4.07 The Minister shall keep a detailed register of the workers' names and addresses and, upon request by the Commission, shall provide it with the information it needs for the purposes of this Agreement.</p>	<p>Advance</p> <p>Notwithstanding the preceding, should the worker's claim be refused by the Commission, the amount paid by the Minister is an advance with respect to the remuneration paid by means of the service employment paycheque.</p>
Description of programs	<p>4.08 The Minister shall send the Commission, upon the coming into force of this Agreement, a description of any program appearing in Schedule 1.</p>	<p>Reimbursement</p> <p>5.03 The Commission shall reimburse the Minister the income replacement indemnity paid by it as of the fifteenth full day following the day the worker became unable to carry on his employment and for all the time of that inability, in accordance with the second paragraph of section 5.02, to the extent that the Commission recognizes the worker's entitlement to the payment of that indemnity.</p>
New programs or amendment	<p>Any new program or any subsequent amendment to a program appearing in Schedule 1 shall also be sent so as to determine whether it should come or remain under this Agreement.</p>	<p>Financial envelope</p> <p>5.04 Upon request by the Minister, the Commission shall allocate a specific financial envelope to each program covered by this Agreement.</p>
<p><b>CHAPTER 5.00 COMMISSION'S OBLIGATIONS</b></p>		
Worker status	<p>5.01 The Commission shall consider a worker covered by this Agreement as a worker within the meaning of the Act.</p>	<p>Program referred to</p> <p>In the case of the program referred to in Schedule 1, it shall be classified in the unit of operation "Commercial, industrial or residential Building maintenance" or, where applicable, following amendments made to that unit of operation following the signing of this Agreement, in a unit corresponding to those activities.</p>
Indemnity	<p>5.02 A worker suffering from an employment injury is entitled to an income replacement indemnity as of the first day following the day the worker became unable to carry on his employment by reason of the injury.</p>	<p>Other programs</p> <p>The Commission may allocate to any new program covered by this Agreement an envelope classified according to the rate of a unit corresponding to the activities included in that new program.</p>
Payment	<p>Notwithstanding the first paragraph of section 124 of the Act, the Minister shall pay that worker, as of the fifteenth full day following the</p>	<p>Applicable rate</p> <p>5.05 The Commission shall fix for the program provided for in the second paragraph of section 5.04</p>

	either the specific assessment rate of the unit, or a personalized assessment rate, provided in the latter case that the Minister meets the conditions of the Act and its regulations for each assessment year.	Terms	It shall remain in force until 31 December 2002.
Other programs	The foregoing also applies to any new program covered by this Agreement.	Tacit renewal	7.02 This Agreement will be renewed tacitly from one calendar year to another, unless one of the parties sends the other a notice by registered or certified mail indicating that it intends to terminate the Agreement or to make amendments thereto, at least 90 days before the Agreement expires.
Retrospective adjustment	The Commission shall also carry out the retrospective adjustment of the annual assessment applicable to the Minister, provided that the Minister meets the conditions of the Act and its regulations for the assessment year.	Amendments	7.03 In the latter case, the notice shall include the amendments that the party intends to make.
		Renewal	Sending such a notice does not prevent the tacit renewal of this Agreement for one year. If the parties disagree on the amendments to be made, the Agreement shall come to an end, without further notice, at the end of that renewal period.

#### CHAPTER 6.00 MISCELLANEOUS

Follow-up	6.01 Both the Commission and the Minister shall each designate, within 15 days of the coming into force of this Agreement, a person responsible for the follow-up of this Agreement.
Addresses of notices	6.02 Any notice required by this Agreement shall be sent to the Commission or Minister at the following addresses :  (a) Le Secrétaire de la Commission Commission de la santé et de la sécurité du travail 1199, rue de Bleury, 14 <sup>e</sup> étage Montréal (Québec) H3C 4E1 ;  (b) Le Secrétaire du Ministère Ministère de la Santé et des Services sociaux 1075, chemin Sainte-Foy Québec (Québec) G1S 2M1.

#### CHAPTER 7.00 COMING INTO FORCE, TERM AND TERMINATION

Effective date	7.01 This Agreement takes effect on the date of coming into force of the Regulation made for that purpose by the Commission under section 170 of the Act respecting occupational health and safety.
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#### CHAPTER 8.00 CANCELLATION OF THE AGREEMENT

Default	8.01 If the Minister fails to respect any of his or her obligations, the Commission may ask the Minister to rectify the default within the time set by it. If the situation is not rectified within the prescribed time, the Commission may cancel this Agreement unilaterally, upon written notice.
Date	8.02 The Agreement shall then be cancelled on the date on which the written notice is sent.
Financial adjustments	8.03 In the event of cancellation, the Commission shall make the financial adjustments taking into account the amounts payable under this Agreement.
Amount due	Any amount due following those financial adjustments shall be payable on the due date specified on the notice of assessment.
Common agreement	8.04 The parties may cancel this Agreement at any time if they both agree thereto.

Damages 8.05 In the event of cancellation, neither party may be obliged to pay damages or any other form of indemnity or fees to the other party.

IN WITNESS WHEREOF, THE PARTIES HAVE SIGNED

at \_\_\_\_\_ on this \_\_\_\_\_ at \_\_\_\_\_ on this \_\_\_\_\_ WHEREAS it is expedient to make the Regulation with amendment;  
day of \_\_\_\_\_, 2002 day of \_\_\_\_\_, 2002

PIERRE GABRIÈLE,  
*Deputy Minister  
Ministère de la Santé  
et des Services sociaux*

JACQUES LAMONDE,  
*Chairman of the board  
of directors and Chief  
Executive Officer  
Commission de la santé  
et de la sécurité  
du travail*

*Gazette officielle du Québec* of 6 February 2002 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS no comments were made concerning that draft Regulation;

IT IS ORDERED, therefore, upon the recommendation of the Minister responsible for Wildlife and Parks:

THAT the Regulation to amend the Regulation respecting hunting activities, attached to this Order in Council, be made.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

## SCHEDULE 1 TO THE AGREEMENT

### Program governed by the Agreement

Direct allowance program for home services.

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Gouvernement du Québec

### O.C. 982-2002, 28 August 2002

An Act respecting the conservation and development of wildlife  
(R.S.Q., c. C-61.1)

#### Hunting activities — Amendments

Regulation to amend the Regulation respecting hunting activities

WHEREAS, under paragraph 9 of section 162 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), the Government may make regulations determining the conditions that must be fulfilled by the applicant or holder of a licence and the obligations with which the holder of a licence must comply; the conditions and obligations may vary;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation to amend the Regulation respecting hunting activities, attached hereto, was published in Part 2 of the

### Regulation to amend the Regulation respecting hunting activities\*

An Act respecting the conservation and development of wildlife  
(R.S.Q., c. C-61.1, s. 162, par. 9)

**1.** Section 4 of the Regulation respecting hunting activities is amended in the first paragraph by substituting the words “hunting licences; the resident shall also provide his name, address and date of birth, as well as the number of his hunter’s or trapper’s certificate when it is required.” for the words “hunting licences.”.

**2.** The words “or older; the non-resident shall also provide his name, address and date of birth.” are substituted for the words “or older.” in section 5.

**3.** The following is inserted after section 5:

“**5.1.** The holder of a resident’s or non-resident’s hunting licence shall enter his name, address and date of birth on the back of the licence when any of those particulars does not appear on the front or is inaccurate.”.

\* The Regulation respecting hunting activities, made by Order in Council 858-99 dated 28 July 1999 (1999, *G.O.* 2, 2427), was last amended by the Regulations made by Orders in Council 953-2001 dated 23 August 2001 (2001, *G.O.* 2, 4857) and 541-2002 dated 7 May 2002 (2002, *G.O.* 2, 2346). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2002, updated to 1 March 2002.

**4.** The following is inserted after section 6:

“**6.1.** Notwithstanding section 6, when the wrong area number has been entered in the application for a “Moose, all areas” hunting licence, the applicant may also obtain a “Moose, in a new area” hunting licence which is issued only once a year, inasmuch as either of the following conditions are met:

(1) if the applicant holds a hunter’s or trapper’s certificate bearing the code “F” only, the moose hunting season with a type 1 implement is under way neither in the wrong area nor in the new area for which the applicant is applying for a “Moose in a new area” hunting licence; or

(2) if the applicant holds a hunter’s or trapper’s certificate bearing the code “A”, the hunting season with a type 6 implement is under way neither in the wrong area nor in the new area for which the applicant is applying for a “Moose in a new area” hunting licence”.

**5.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

**O.C. 983-2002**, 28 August 2002

An Act respecting the conservation and development of wildlife  
(R.S.Q., c. C-61.1)

**Trapping activities and fur trade**  
— Amendments

Regulation to amend the Regulation respecting trapping activities and the fur trade

WHEREAS, under paragraph 9 of section 162 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), the Government may make regulations determining the conditions that must be fulfilled by the applicant or holder of a licence and the obligations with which the holder of a licence must comply; the conditions and obligations may vary;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation to amend the Regulation respecting trapping activities and the fur trade, attached hereto, was published in Part 2 of the *Gazette officielle du Québec* of 6 February

2002, with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS no comments were made on that draft Regulation;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, upon the recommendation of the Minister responsible for Wildlife and Parks:

THAT the Regulation to amend the Regulation respecting trapping activities and the fur trade, attached to this Order in Council, be made.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

**Regulation to amend the Regulation respecting trapping activities and the fur trade\***

An Act respecting the conservation and development of wildlife  
(R.S.Q., c. C-61.1, s. 162, par. 9)

**1.** The Regulation respecting trapping activities and the fur trade is amended in section 3 by inserting the following after paragraph 1:

“(1.1) be at least 12 years of age, in the case of a non-resident;”.

**2.** The following is inserted after paragraph 2 of section 4:

“(2.1) be at least 12 years of age, in the case of a non-resident;”.

**3.** The following is inserted after section 6:

“**6.1** The holder of a trapping licence referred to in sections 3 and 4 shall enter his name, address and date of birth on the back of his licence when any of those particulars does not appear on the front or is inaccurate.”.

\* The Regulation respecting trapping activities and the fur trade made by Order in Council 1027-99 dated 8 September 1999 (1999, *G.O.* 2, 2915) was last amended by the Regulations made by Orders in Council 688-2001 dated 6 June 2001 (2001, *G.O.* 2, 2803) and 159-2002 dated 20 February 2002 (2002, *G.O.* 2, 1493).

**4.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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## Draft Regulations

### Draft Regulation

Environment Quality Act  
(R.S.Q., c. Q-2)

#### Environmental impact assessment and review — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 124 of the Environment Quality Act, that the Regulation to amend the Regulation respecting environmental impact assessment and review, the text of which appears below, may be made by the Government upon the expiry of 60 days following this publication.

The purpose of the draft Regulation is to amend the Regulation respecting environmental impact assessment and review in order for the energy conversion projects for toxic residual hazardous materials to no longer be subject to the obligation of carrying out an impact assessment.

The revocation of the environmental impact assessment procedure for energy conversion, by a third party, of toxic residual hazardous materials, will facilitate access to a larger variety of residual hazardous materials for businesses that can comply with the new air quality standards proposed in concordance with this draft Regulation in the Regulation respecting the quality of the atmosphere. Those businesses will save on energy costs and on money spent for environmental impact assessment statements. Unfortunately, the public will no longer be able to give its opinion because of the disappearance of the environmental impact assessments.

Any information respecting the draft Regulation to amend the Regulation respecting environmental impact assessment and review may be obtained by contacting Ginette Courtois, Direction des politiques du secteur industriel, ministère de l'Environnement, édifice Marie-Guyart, 9<sup>e</sup> étage, boîte 71, 675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7, tel. (418) 521-3950, ext. 4957; fax: (418) 644-3386 or e-mail: [ginette.courtois@menv.gouv.qc.ca](mailto:ginette.courtois@menv.gouv.qc.ca)

Any person having comments to make on the draft Regulation is asked to send them in writing, before the expiry of the 60-day period, to the Direction des politiques du secteur industriel of the ministère de l'Environnement at the above-mentioned address.

ANDRÉ BOISCLAIR,  
*Minister of State  
for Municipal Affairs  
and Greater Montréal,  
the Environment and  
Water and Minister  
of the Environment*

JEAN-FRANÇOIS SIMARD,  
*Minister for the  
Environment and Water*

### Regulation to amend the Regulation respecting environmental impact assessment and review\*

Environment Quality Act  
(R.S.Q., c. Q-2, s. 31.9, 1st par., subpar. a)

**1.** Section 2 of the Regulation respecting environmental impact assessment and review is amended by striking out “energy generation or” in subparagraph *u* of the first paragraph.

**2.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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\* The Regulation respecting environmental impact assessment and review (R.R.Q., 1981, c. Q-2, r.9) was last amended by the Regulations made by Orders in Council 988-2001 dated 29 August 2001 (2001, *G.O.* 2, 4921), 1552-2001 dated 19 December 2001 (2002, *G.O.* 2, 246) and 119-2002 dated 13 February 2002 (2002, *G.O.* 2, 1449). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2002, updated to 1 March 2002.

## Draft Regulation

Environment Quality Act  
(R.S.Q., c. Q-2)

### Hazardous materials — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-1 8.1) and section 124 of the Environment Quality Act, that the Regulation to amend the Regulation respecting hazardous materials and amending various regulatory provisions, which appears below, may be made by the Government upon the expiry of a period of 60 days from this publication.

The purpose of this draft Regulation is, among other things, to:

— exclude from the application of the Regulation respecting hazardous materials and amending various regulatory provisions (hereinafter called the “Regulation”) certain materials that meet the definition of toxic materials but are safe for the environment;

— reword section 10 of the Regulation in order to specify the cases in which the result of the mixing of hazardous residual materials with other materials is considered a treatment of hazardous materials;

— add provisions to the Regulation allowing users of residual hazardous materials for energy generation purposes to choose between the restrictions set by Schedules 5 and 6 (entry standards) and the newly set atmospheric standards (exit standards) in the Regulation respecting the quality of the atmosphere;

— revoke all provisions in the Regulation that concern the transportation permit including, in addition to the obligation to hold a permit, liability insurance and financial security requirements as well as the filing of an annual report;

— extend the implementation of the list of materials barred from bulk storage and final disposal to include places established before 1 December 1997; and

— clarify or harmonize certain provisions of the Regulation.

The proposed regulatory amendments will facilitate the implementation of the Regulation. The amendments will not have any impact on the public. A number of amendments will result in savings for the affected businesses, while very few involve additional costs, and these costs concern only a limited number of businesses.

For information concerning the draft Regulation to amend the Regulation respecting hazardous materials and amending various regulatory provisions, please contact Ginette Courtois, Direction des politiques du secteur industriel, ministère de l’Environnement, édifice Marie-Guyart, 9<sup>e</sup> étage, boîte postale 71, 675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7; telephone: (418) 521-3950, extension 4957; fax: (418) 644-3386; or e-mail: ginette.courtois@menv.gouv.qc.ca

Any person wishing to submit comments on this draft Regulation is asked to send them in writing, before the expiry of the 60-day period, to the Direction des politiques du secteur industriel of the ministère de l’Environnement, at the above-mentioned address.

ANDRÉ BOISCLAIR,  
*Minister of State  
for Municipal Affairs  
and Greater Montréal,  
the Environment and  
Water and Minister  
of the Environment*

JEAN-FRANÇOIS SIMARD,  
*Minister for the  
Environment and Water*

## Regulation to amend the Regulation respecting hazardous materials and amending various regulatory provisions \*

Environment Quality Act  
(R.S.Q., c. Q-2, s. 31, pars. c, g, h to h.2, s. 46, 1st par., subpar. f, s. 70.19, 1st par., subpars. 1 to 16, 18 and 19 and 2nd par., ss. 109.1 and 124.1; 2001, c. 59, s. 1)

**1.** The title of the Regulation respecting hazardous materials and amending various regulatory provisions is replaced by “Regulation respecting hazardous materials”.

**2.** Section 2 is amended

(1) by striking out the following at the end of paragraph 6:

“, as well as other waste mentioned in section 131 of that Regulation”;

(2) by inserting the following after paragraph 6:

\* The Regulation respecting hazardous materials and amending various regulatory provisions, made by Order in Council 1310-97 dated 8 October 1997 (1997, G.O. 2, 5199), was amended once by the Regulation made by Order in Council 492-2000 dated 19 April 2000 (2000, G.O. 2, 2090).

“(6.1) the following sawmill waste:

(a) wood residue and bark;

(b) ash whose only hazardous property is corrosivity;”;

(3) by striking out the words after “mine tailings” in paragraph 10;

(4) by substituting the words “comply with” for the word “meet” in paragraph 13; and

(5) by adding the following at the end:

“(21) emery, graphite, kaolin, talc, montmorillonite, black carbon and silica, except if those materials and objects are contaminated by a hazardous material;

(22) ceramic fibre, slag wool, rock wool, glass wool and mineral wool, except if those materials and objects are contaminated by a hazardous material; and

(23) alcoholic beverages.”.

**3.** Section 3 is amended by striking out “, other than an alcoholic beverage,” in paragraph 1 of the definition of “flammable material”.

**4.** The following is substituted for section 10:

“**10.** The mixing of a residual hazardous material with other materials, whether hazardous or not, constitutes a treatment activity of residual hazardous materials where the result of that mixing is

(1) the loss or change of a hazardous characteristic referred to in section 3 or 4 of this Regulation; or

(2) the transformation of the physical state of the material.

However, the treatment of residual hazardous materials is not limited to such mixing activities.

Furthermore, it is prohibited to mix or dilute a residual hazardous material with other materials, whether hazardous or not, if the result of that mix is the exemption from a provision of the Environment Quality Act or one of its regulations.”.

**5.** Section 11 is amended by substituting the words “satisfaisant aux” for the words “rencontrant les” in the third paragraph of the French version.

**6.** Section 12 is revoked.

**7.** The following is inserted after section 13:

“**13.1.** Before leaving a land or building or proceeding to its transfer, the person who performs an activity in a sector indicated in Schedule 3, the permit holder performing an activity referred to in section 70.9 of the Environment Quality Act and the person who has in his possession materials or objects containing PCBs or that are contaminated by PCBs are bound to remove all the stored hazardous materials from the site.

This section does not apply if the stored hazardous materials are an integral part of the transfer and the acquirer accepts the responsibility thereof. In such case, the acquirer undertakes to remove from the site all the residual hazardous materials left on the premises, within a one-year period following the date of the transfer.”.

**8.** Section 18 is amended

(1) by substituting the words “visant à déterminer” for the word “déterminant” in its first occurrence in the French version;

(2) by inserting the words “or to check if a material or object is considered a hazardous material” after the word “object”; and

(3) by striking out the following at the end: “and in accordance with the methods prescribed in the *Liste des méthodes d’analyses relatives à l’application des règlements découlant de la Loi sur la qualité de l’environnement* published by the Ministère de l’Environnement.”.

**9.** Section 24 is amended

(1) by substituting in the French version the word “respectent” for the word “rencontrent”; and

(2) by adding the following at the end:

“In addition, the use of residual hazardous materials other than used oil or the use of a fuel obtained from a mixing of residual hazardous materials shall be subject to the standards of sections 28.1 to 28.5 of the Regulation respecting the quality of the atmosphere (R.R.Q., 1981, c. Q-2, r.20).”.

**10.** Section 25 of the French version is amended by substituting the word “respecte” for the word “rencontre”.

**11.** The following is substituted for subparagraph 2 of the second paragraph of section 26:

“(2) use of a facility in a site that is not linked to the Québec highway network by a public road within the meaning of the Highway Safety Code (R.S.Q., c. C-24.2)

or in a site located more than 100 km from that network, if the site is linked thereto by another road.”.

**12.** The following are inserted after section 26 :

“**26.1.** The sulphur limits determined in Schedules 5 and 6 for the use of residual hazardous materials, for energy generation purposes, may be exceeded if the conditions provided for in sections 30 and 31 of the Regulation respecting the quality of the atmosphere are complied with.

Notwithstanding the first paragraph, the sulphur limit determined in Schedule 5 for each hazardous material that is used in the making of a mixing shall be complied with.

**26.2.** Used oil that exceeds the limits in total halogens or in metals determined in Schedule 6 may be used, for energy generation purposes, provided that the oil

(1) is subject to the standards provided for in Schedule 5 and in the second paragraph of section 24 for a fuel obtained from a mixing of residual hazardous materials; and

(2) is used in an industrial establishment.”.

**13.** Section 32 is amended

(1) by substituting the following for subparagraph 1 of the first paragraph:

“(1) to materials which will be used on the site of production within 120 days following their production with a view to replace, in whole or in part, a previously used virgin raw material”;

(2) by substituting the following for subparagraph 2 of the first paragraph:

“(2) to materials stored in a site other than that of their production where those materials will be used within 12 months of having been stored with a view to replace, in whole or in part, a previously used virgin raw material. Notwithstanding the foregoing, sections 50 to 92 shall continue to apply to residual hazardous materials used as a replacement for a virgin raw material by the holder of a permit performing an activity referred to in section 70.9 of the Environment Quality Act”; and

(3) by substituting the words “Paragraph 3 of section 72 does not apply” for the words “Sections 72 to 76 do not apply” in the last paragraph.

**14.** Section 34 is amended

(1) by deleting the third sentence; and

(2) by adding the following at the end:

“The layout of the storage area shall be such that leakage or spillage can be contained.”.

**15.** Section 35 is amended

(1) by substituting the words “an area” for the words “a place” in the part preceding subparagraph 1 of the first paragraph;

(2) by substituting the following for subparagraph 2 of the first paragraph:

“(2) connected to a system which, as the case may be, will allow the discharge of materials into a system able to ensure their recovery.”; and

(3) by deleting the second paragraph.

**16.** Section 40 is amended

(1) by substituting the words “referred to in subparagraphs 1 and 2 of the first paragraph of” for the words “referred to” in paragraph 4, and by adding the words “or with sections 144 to 146” at the end of that paragraph; and

(2) by adding the following at the end:

“(6) objects that are stored in a building or under a shelter in such a way as to prevent breakdowns and leakage.”.

**17.** The following is substituted for section 44:

“**44.** No residual hazardous material shall be stored outside a building unless it is stored in a cargo container or under a shelter or it is a contaminated empty receptacle stored in an area laid out to hold leakage and spillage or it is a gas cylinder.”.

**18.** The following subparagraphs are substituted for the second paragraph of section 56:

“Notwithstanding the foregoing, this section does not apply to tanks that cannot contain more than 2000 kilograms of materials, unless those tanks, if installed outside, are placed in a container or under a shelter.

Notwithstanding subparagraph 4 of the first paragraph of section 32, the second paragraph of this section shall also apply where the quantity of residual hazard-

ous materials in the storage site is less than 1000 kilograms.”.

**19.** Section 72 is amended

(1) by striking out the words “and do not contain any volatile toxic substances” at the end of paragraph 2; and

(2) by inserting the following after paragraph 2:

“(2.1) materials may not, on contact with water, air or materials already stored therein, form gases, mists or fumes that are liable to endanger the health of human beings or other living species, or that may damage the environment or property;”.

**20.** Section 78 is amended

(1) by substituting the following for the first paragraph:

“During loading and unloading, every cargo tank shall be placed in an impermeable area designed so that a spilled product stays confined therein to assist in the recovery thereof.”; and

(2) by substituting the following for the third paragraph:

“All the holders of a permit referred to in paragraphs 1 to 3 of section 70.9 of the Environment Quality Act shall equip the loading and unloading area with an impermeable basin or a collection system able to resist the materials that are handled and collect leakage and spillage.”.

**21.** Section 80 is amended by substituting the words “comply with” for the word “meet”.

**22.** Section 89 is amended by substituting the words “all fire detection systems referred to in section 86 or in the first paragraph of section 88 and any intrusion detection system” for the words “all fire detection and intrusion detection systems”.

**23.** Section 93 is amended by substituting the following for the second paragraph:

“Sections 95 and 96 do not apply to the final disposal sites referred to in section 144.”.

**24.** Section 101 is amended by substituting the following for subparagraph 1 of the first paragraph:

“(1) an impermeable layer made by the overplacement of 2 impermeable synthetic membranes, by the combination of an impermeable membrane and a layer of clayish materials or by another waterproofing system

whose components ensure at least an equivalent efficiency;”.

**25.** Section 114 is amended by adding the following words at the end of paragraph 4:

“or, where no contamination is suspected, the facts and grounds that there is absence of contamination;”.

**26.** Section 117 is revoked.

**27.** The following is inserted after section 117:

“**117.1.** The replacement of virgin components by one or more residual hazardous materials within a treatment process referred to in section 70.9 of the Environment Quality Act shall also be covered by the permit referred to in section 70.9 of the Act.”.

The replacement of virgin components by one or more residual hazardous materials within a purification process of air emission or a wastewater treatment process operated within the scope of an activity referred to in section 70.9 of the Environment Quality Act shall also be covered by the permit referred to in section 70.9 of the Act.”.

**28.** Section 118 is amended

(1) by inserting the words “of the Act” after “70.9” in the part preceding subparagraph 1 of the first paragraph;

(2) by substituting in the French version the word “respectées” for the word “rencontrées” in subparagraphs 3 and 4 of the first paragraph; and

(3) by inserting the following after paragraph 3:

“(3.1) the operation of a treatment process for commercial purposes for the reuse or recycling of hazardous residual materials other than those referred to in paragraphs 3, 4 and 8 of section 4, when the following conditions are met:

(a) 100% of the materials and waste from the treatment are intended for reuse or recycling and the shipment of such materials and waste to reuse or recycling facilities occurs within a period of 12 months following their generation;

(b) none of the materials and waste from the treatment are intended to be used for energy generation or elimination;

(c) the quantity of materials stored at the operation site is less than 200 000 kilograms at all times;

(d) the materials are treated within 90 days following their reception;

(e) a guarantee in accordance with the requirements of sections 120 to 123, that is twice the amount determined in Schedule 10, must be provided with the application for a certificate of authorization made under section 22 of the Environment Quality Act; and

(f) the operator must, with the necessary adjustments, keep a register and file an annual report in accordance with the requirements of sections 130 to 138.”.

**29.** Section 119 is amended

(1) by striking out the following in the part preceding subparagraph 1 of the first paragraph: “, other than the one concerning the transportation of hazardous materials to a disposal site,”;

(2) by deleting the second paragraph; and

(3) by adding the following at the end:

“As the case may be, every person applying for a permit or every permit holder who intends to replace virgin components by one or more residual hazardous materials within a treatment process of residual hazardous materials or a purification process of air emission or a wastewater treatment process shall provide the information required under section 138.2 of the Regulation with his application for a permit or amendment to a permit.”.

**30.** Section 121 is amended by substituting the word “draft” for the words “money order” in paragraph 1.

**31.** Section 122 is amended

(1) by substituting the word “drafts” for the word “orders”; and

(2) by inserting “, pursuant to the Deposit Act (R.S.Q., c. D-5)” after the word “Finance”.

**32.** Section 123 is amended

(1) by substituting the following for the first paragraph:

“A guarantee provided in the form of security or guarantee policy shall be valid for the entire term of the permit and subsequent renewals of the permit.

A guarantee provided in the form of letter of credit shall have a term of not less than 12 months. Not less

than 15 days before the expiry of the guarantee, its holder shall send his renewed guarantee to the Minister of the Environment, or any other guarantee meeting the requirements prescribed by sections 120 and 121.”; and

(2) by substituting “60” for “15” in the third paragraph.

**33.** Section 124 is amended

(1) by substituting the following for the first paragraph:

“A permit is issued on the condition that the applicant has a civil liability insurance or environmental insurance except in the case of a permit to use used oil for energy generation purposes, where the nominal capacity is less than 1 tonne or 1 kilolitre per hour. The civil liability insurance shall include a rider reserved for damage to the environment mentioned in section 125. The insurance amounts are determined in Schedule 11.”;

(2) by deleting the second paragraph; and

(3) by substituting the following for the third paragraph:

“The permit holder shall keep his insurance contract in force for the entire term of the permit. The maximum deductible applicable during an event is determined in Schedule 11.”.

**34.** Section 125 is amended by substituting the following for the part preceding subparagraph 1 of the first paragraph:

“The civil liability insurance policy including a rider for the environment or, as the case may be, environmental insurance shall”.

**35.** Section 130 is amended by striking out the words “, except the transportation of hazardous materials,”.

**36.** Section 137 is revoked.

**37.** The following is substituted for section 138:

“**138.** The annual report shall be sent to the Minister no later than 1 April, for the previous calendar year.

Permit holders who carry on an activity referred to in paragraphs 1 to 3 of section 70.9 of the Environment Quality Act shall provide their report in electronic format in accordance with the form of presentation provided by the Minister. They shall also send the signed and written statement referred to in section 22.

**CHAPTER VIII.1**  
**ACTIVITIES SUBJECT TO SECTION 22 OF**  
**THE ENVIRONMENT QUALITY ACT**

**138.1.** Any person who replaces previously used virgin components by one or more residual hazardous materials, other than in the cases provided for in section 70.9 of the Environment Quality Act or in section 117.1 of this Regulation, shall obtain a certification of authorization under section 22 of the Environment Quality Act.

**138.2.** In addition to the information and documents required in the Regulation respecting the application of the Environment Quality Act made by Order in Council 1529-93 dated 3 November 1993, any application for a certificate of authorization with a view to use a residual hazardous material in replacement of a virgin raw material shall include the following information:

(1) the material to be replaced and its chemical composition, as the case may be;

(2) the content of the residual hazardous material for the material or component to be replaced;

(3) the replacement rate of raw material by a residual hazardous material;

(4) the concentration of leachable contaminants in the residual hazardous material, organic halogens, PCBs, and the name and concentration of each toxic compound present in that hazardous material;

(5) the variation rate of the residual hazardous material composition according to the different lots to be used; and

(6) the consequences of using a residual hazardous material on aqueous discharges, air emissions and residual materials, whether hazardous or not, generated by the process in particular the indication, where expedient, of the new discharged contaminants and new classes of generated residual materials and the indication of the amendments provided

(a) in the volumes of discharges and concentrations of contaminants present in those discharges; and

(b) in the quantity of generated residual materials, whether hazardous or not, and in the concentration of contaminants present in those materials.”

**38.** Section 140 is amended by striking out “12,”.

**39.** Section 145 is amended

(1) by inserting the words “whose site is in operation” after the word “operator”; and

(2) by adding the following at the end:

“An operator who decides to close the site permanently shall do so in conformity with the prescriptions provided for in sections 101 and 102.

The owner whose site is permanently closed shall forward to the Minister a program for monitoring and supervising the quality of surface water and ground water, leachates and biogases as well as a program on the maintenance of the equipment and systems with which the site will be equipped.”

**40.** Schedules 3, 8, 10 and 11 attached to this Regulation are respectively substituted for the Schedules to the Regulation.

**41.** Schedule 4 is amended in section 1

(1) by substituting the following categories for the categories corresponding respectively to the following codes:

(a) code B08: “Sludge and solid residues from the production of pesticides and reject products”;

(b) code J09: “Exposed object or metal part contaminated by PCBs”;

(c) code L03: “Other contaminated materials (Specify)”;

(2) by substituting the number “0” for the capital letter “O” in code N08 in the French version.

**42.** Paragraph 6 of section 94 shall apply to the sites referred to in section 144 of the Regulation two years after the coming into force of this Regulation.

Section 117.1 shall apply 180 days after the coming into force of this Regulation for those who perform an activity referred to in section 117.1 upon the coming into force of this Regulation.

**43.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

**SCHEDULE 3**

(ss. 6, 13, 39, 104 and 118)

## SECTORS OF ACTIVITY

<b>NAICS Code</b>	<b>Economic activity</b>
Group 2111	Oil and Gas Extraction
Group 2121	Coal Mining
Group 2122	Metal Ore Mining
Class 212393	Salt Mines
Class 212394	Asbestos Mining
Class 212195	Gypsum Mining
Class 212396	Potash Mining
Class 212398	All Other Non-Metallic Mining and Quarry
Group 2131	Support Activities for Mining and Oil and Gas Extraction
Group 2211	Electric Power Generation, Transmission and Distribution
Group 2212	Natural Gas Distribution
Sub-sector 313 except Class 313220	Textile Mills except Narrow Fabric Mills and Schiffli Machine Embroidery
Group 3161	Leather and Hide Tanning and Finishing
Group 3211	Sawmills and Wood Preservation
Group 3212 except Class 321215	Veneer, Plywood and Engineered Wood Product Manufacturing except Structural Wood Product Manufacturing
Group 3221	Pulp, Paper and Paperboard Mills
Group 3231	Printing and Related Support Activities
Sub-sector 324	Petroleum and Coal Products Manufacturing
Sub-sector 325	Chemical Manufacturing
Sub-sector 326	Plastics and Rubber Products Manufacturing
Sub-sector 327	Non-Metallic Mineral Product Manufacturing
Sub-sector 331	Primary Metal Manufacturing
Sub-sector 332	Fabricated Metal Product Manufacturing
Sub-sector 333	Machinery Manufacturing
Sub-sector 334 except classes 334512 and 334610	Computer and Electronic Product Manufacturing except Measuring, Medical and Controlling Devices Manufacturing and Manufacturing and Reproducing Magnetic and Optical Media



<b>NAICS Code</b>	<b>Economic activity</b>
Sub-sector 335	Electrical Equipment, Appliance and Component Manufacturing
Sub-sector 336	Transportation Equipment Manufacturing
Class 339910	Jewellery and Silverware Manufacturing
Sub-sector 481	Air Transportation
Sub-sector 482	Rail Transportation
Sub-sector 483	Water Transportation
Sub-sector 484	Truck Transportation
Sub-sector 485 except groups 4853 and 4859	Transit and Group Passenger Transportation except Taxi and Limousine Service and Other Transit and Group Passenger Transportation
Class 487210	Scenic and Sightseeing Transportation, Water
Sub-sector 488 except Class 488410	Support Activities for Transportation except Motor Vehicle Towing
Sub-sector 511	Publishing Industries
Class 513310	Wired Telecommunications Carriers
Class 513320	Wireless Telecommunications Carriers (except Satellite)
Class 812921	Photo Finishing Laboratories (except One-Hour)

The economic activities listed above are those defined in the document “North American Industry Classification System” published by Statistics Canada, March 1998.

### **SCHEDULE 8**

(s. 109)

#### **SECTORS OF ACTIVITY SUBJECT TO THE OBLIGATION OF PRODUCING AN ANNUAL MANAGEMENT REPORT**

<b>NAICS Code</b>	<b>Economic activity</b>	<b>Minimum number of employees per establishment</b>
Group 2122	Metal Ore Mining	—
Group 2211	Electric Power Generation, Transmission and Distribution	—
Group 3161	Leather and Hide Tanning and Finishing	—
Class 321114	Wood Preservation	50
Class 321216	Particle Board and Fibreboard Mills	—
Class 321217	Waferboard Mills	—
Group 3221	Pulp, Paper and Paperboard Mills	—
Sub-sector 324	Petroleum and Coal Products Manufacturing	—

<b>NAICS Code</b>	<b>Economic activity</b>	<b>Minimum number of employees per establishment</b>
Sub-sector 325	Chemical Manufacturing	50
Sub-sector 331	Primary Metal Manufacturing	—
Group 3321	Forging and Stamping	20
Group 3322	Cutlery and Hand Tool Manufacturing	20
Group 3323 except Class 332311	Architectural and Structural Metals Manufacturing except Prefabricated Metal Building and Component Manufacturing	20
Group 3324	Boiler, Tank and Shipping Container Manufacturing	20
Group 3325	Hardware Manufacturing	20
Group 3326	Spring and Wire Product Manufacturing	20
Class 332710	Machine Shops	20
Group 3328	Coating, Engraving, Heat Treating and Allied Activities	20
Group 3329 except 332991	Other Fabricated Metal Product Manufacturing except Ball and Roller Bearing Manufacturing	50
Sub-sector 334 except classes 334512 and 334610	Computer and Electronic Product Manufacturing except Measuring, Medical and Controlling Devices Manufacturing and Manufacturing and Reproducing Magnetic and Optical Media	50
Sub-sector 335	Electrical Equipment, Appliance and Component Manufacturing	50
Sub-sector 336	Transportation Equipment Manufacturing	50

The economic activities listed above are those defined in the document “North American Industry Classification System” published by Statistics Canada, March 1998.

An establishment of a listed sector of activity will be contemplated if the number of employees indicated was reached or exceeded at any time in the calendar year. Where there are no employees, all the establishments of the corresponding sector of activity shall be contemplated regardless of the number of employees.

**SCHEDULE 10**

(s. 119)

**GUARANTEE REQUIRED FOR THE ISSUE OF A PERMIT REFERRED TO IN SECTION 70.9 OF THE ENVIRONMENT QUALITY ACT**

Guarantee	Total storage capacity		Rated capacity for the activity <sup>(1)</sup>	Total capacity of final disposal site
	Kilograms	Litres		
\$			Tonnes or kilolitres per hour	Cubic metres
30 000	< 50 000	< 30 000	< 0.2	N/ A
50 000	≥ 50 000 and < 150 000	≥ 30 000 and < 100 000	≥ 0.2 and < 0.5	< 100 000
100 000	≥ 150 000 and < 750 000	≥ 100 000 and < 500 000	≥ 0.5 and < 1	≥ 100 000 and < 200 000
150 000	≥ 750 000 and < 2 250 000	≥ 500 000 and < 1 500 000	≥ 1 and < 2	≥ 200 000 and < 300 000
200 000	≥ 2 250 000	≥ 1 500 000	≥ 2	≥ 300 000

The amount payable is the highest amount according to the total or rated capacity for the activities covered by the permit application.

<sup>(1)</sup> The nominal capacity for the activity corresponds to the rated activity for treatment, energy generation or disposal.

**SCHEDULE 11**

(s. 124)

**CIVIL LIABILITY INSURANCE AND ENVIRONMENTAL INSURANCE: MINIMUM LIMIT FOR ENVIRONMENTAL DAMAGE**

Rider or environmental insurance	Maximum deductible	Total storage capacity		Rated capacity for the activity <sup>(1)</sup>	Total capacity of final disposal site
		Kilograms	Litres		
\$	\$			Tonnes or kilolitres per hour	Cubic metres
1 000 000	50 000	< 750 000	< 500 000	< 1	< 200 000
2 000 000	100 000	≥ 750 000 and < 2 250 000	≥ 500 000 and < 1 500 000	≥ 1 and < 2	≥ 200 000 and < 300 000
3 000 000	150 000	≥ 2 250 000	≥ 1 500 000	≥ 2	≥ 300 000

The amount payable is the highest amount according to the total or rated capacity for the activities covered by the permit application.

<sup>(1)</sup> The nominal capacity for the activity corresponds to the rated activity for treatment, energy generation or disposal.

## Draft Regulation

Environment Quality Act  
(R.S.Q., c. Q-2)

### Pulp and paper mills — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and with section 124 of the Environment Quality Act, that the Regulation to amend the Regulation respecting pulp and paper mills, the text of which appears below, may be made by the Government upon the expiry of 60 days following this publication.

The purpose of the draft Regulation is to revise the definition of “mill waste” so that ash only be included when it is derived from the burning of mill waste or sawmill waste and excluded when it is characteristic of hazardous material.

The proposed amendment will affect few businesses and the related costs are negligible. The businesses targeted will have to characterize their ash to ensure its proper management. The cost of ash analysis and management review will be more than compensated for by energy savings.

For information on the draft Regulation to amend the Regulation respecting pulp and paper mills, contact Ginette Courtois, Direction des politiques du secteur industriel, ministère de l’Environnement, édifice Marie-Guyart, 9<sup>e</sup> étage, boîte 71, 675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7, by telephone (418) 521-3950, ext. 4957; by fax (418) 644-3386 or by e-mail: [ginette.courtois@menv.gouv.qc.ca](mailto:ginette.courtois@menv.gouv.qc.ca)

Any person having comments to make on the draft Regulation is asked to send them in writing, before the expiry of the 60-day period, to the Direction des politiques du secteur industriel of the ministère de l’Environnement, at the above address.

ANDRÉ BOISCLAIR,  
*Minister of State for  
Municipal Affairs,  
Greater Montréal, the  
Environment and Water  
and Minister of the  
Environment*

JEAN-FRANÇOIS SIMARD,  
*Minister for the  
Environment and Water*

## Regulation to amend the Regulation respecting pulp and paper mills\*

Environment Quality Act  
(R.S.Q., c. Q-2, ss. 31, 46 and 70)

**1.** Section 93 of the Regulation respecting pulp and paper mills is amended by adding the following at the end:

“Notwithstanding the foregoing, when, under section 104, other waste is used for energy generation purposes with mill waste, sawmill waste, fossil fuels or used oils, the ash from that combustion is not considered mill waste insofar as that ash has one of the characteristics of a hazardous material, other than corrosivity, referred to in sections 3 and 4 of the Regulation respecting hazardous materials and amending various regulatory provisions made by Order in Council 1310-97 dated 8 October 1997.”

**2.** Section 101 is amended by inserting “, except the ash described in the second paragraph of section 93,” before the word “shall”.

**3.** The following is substituted for section 131:

“**131.** An operator may accept only mill waste and sawmill waste constituted exclusively of wood residues and bark, as well as ash from sawmills insofar as the ash is not considered a hazardous material within the meaning of paragraph 21 of section 1 of the Environment Quality Act. An operator may only accept rubble and debris from the mill if those objects are not considered a hazardous material according to section 4 of the Regulation respecting hazardous materials and amending various regulatory provisions.”

**4.** The following is substituted for section 138:

“**138.** An operator may accept only mill waste and sawmill waste constituted exclusively of wood residues and bark, as well as ash from sawmills insofar as that ash is not considered a hazardous material within the meaning of paragraph 21 of section 1 of the Environment Quality Act.”

\* The Regulation respecting pulp and paper mills, made by Order in Council 1353-92 dated 16 September 1992 (1992, *G.O.* 2, 4453) was last amended by the Regulation made by Order in Council 492-2000 dated 19 April 2000 (2000, *G.O.* 2, 2090). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2002, updated to 1 March 2002.

**5.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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## Draft Regulation

Environment Quality Act  
(R.S.Q., c. Q-2)

### Quality of the atmosphere — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 124 of the Environment Quality Act, that the Regulation to amend the Regulation respecting the quality of the atmosphere, the text of which appears below, may be made by the Government upon the expiry of 60 days following this publication.

The draft Regulation introduces in the Regulation respecting the quality of the atmosphere, for energy conversion projects relating to hazardous residual materials other than used oil, emission standards, destruction and removal efficiency standards and compliance sampling in order to better manage the energy conversion of hazardous residual materials, to better protect the environment and to standardize the requirements throughout Québec.

As a concordance with the new standards proposed in the Regulation respecting the quality of the atmosphere, the draft Regulation proposes to revoke the obligation to carry out an environmental impact assessment for energy conversion projects relating to toxic hazardous residual materials. The revocation of impact assessments will facilitate access to a larger variety of hazardous residual materials for businesses that can comply with the new air-quality standards proposed for energy conversion related to hazardous residual materials. Replacing conventional fuel by hazardous residual materials will generate savings for businesses. Four or five businesses could profit by the new provisions that are put forward.

For any information related to the draft Regulation to amend the Regulation respecting the quality of the atmosphere, contact Ginette Courtois, Direction des politiques du secteur industriel, ministère de l'Environnement, édifice Marie-Guyart, 9<sup>e</sup> étage, boîte 71, 675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7, by tel. (418) 521-3950, ext. 4957, fax: (418) 644-3386 or e-mail: [ginette.courtois@menv.gouv.qc.ca](mailto:ginette.courtois@menv.gouv.qc.ca)

Any person having comments to make on the draft Regulation is asked to send them in writing, before the expiry of the 60-day period, to the Direction des politiques du secteur industriel of the Ministère de l'Environnement, at the above address.

ANDRÉ BOISCLAIR,  
*Minister of State for  
Municipal Affairs and  
Greater Montréal,  
the Environment and  
Water and Minister  
of the Environment*

JEAN-FRANÇOIS SIMARD,  
*Minister for the  
Environment and Water*

## Regulation to amend the Regulation respecting the quality of the atmosphere \*

Environment Quality Act  
(R.S.Q., c. Q-2, ss. 31, 53, 70.19 and 124.1 ; 2001, c. 59, s. 1)

**1.** Section 1 of the Regulation respecting the quality of the atmosphere is amended

(1) by adding the following definition after paragraph 5 :

“(5.1) “reference conditions”: a temperature of 25° and a pressure of 101.3 kilopascals;”;

(2) by adding the following definition after paragraph 14 :

“(14.1) “residual oil”: fuel oil meeting the specifications of combustible No. 4, 5 or 6 of Standard D396-01 of the American Society for Testing and Materials (ASTM) respecting fuels for burners;”;

(3) by substituting the following for paragraph 20 :

“(20) “new”: which is established, put into operation, or whose construction is begun after 14 November 1979, including a part of an existing source which is modified or enlarged after that date so as to increase by 35% or more its rated capacity or production, that percentage being calculated in relation to the original rated capacity or production;”;

(4) by adding the following definition after paragraph 20 :

\* The Regulation respecting the quality of the atmosphere (R.R.Q., 1981, c. Q-2, r.20) was last amended by the Regulation made by Order in Council 492-2000 dated 19 April 2000 (2000, G.O. 2, 2090). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2002, updated to 1 March 2002.

“(20.1) “particle”: any substance in a finely divided liquid or solid state in suspension in a gaseous environment, except chemically unbound water as measured using the reference methods;”;

(5) by adding the following definitions after paragraph 21:

“(21.1) “rated capacity”: output capacity as specified by the manufacturer of fuel burning equipment or established in a certificate of authorization issued under section 22 of the Act before 14 November 1979;”;

(21.2) “R”: under reference conditions;”.

**2.** The heading “Use of fuels” is substituted for the heading of Division IX.

**3.** The following section is inserted before section 27:

“**26.1** For the purposes of this Division, fuel burning equipment whose combustion chamber is modified is presumed to be modified.”.

**4.** The following is substituted for section 27:

“**27. Particle emissions:** Fuel burning equipment fired with liquid or solid fossil fuels or used oils may not emit particles into the atmosphere beyond the standards prescribed in the following table:

Rated capacity (MW)	Fuel used	Emission standards (g/GJ provided by fuel)	
		New equipment	Existing equipment
≥3 and ≤15	petroleum products or used oils*	60	85
≥3 and ≤70	coal or coke	60	85
>15	petroleum products or used oils*	45	60
>70	coal or coke	45	60

\* Used oils covered by Chapter III and Schedule 6 to the Regulation respecting hazardous materials and amending various regulatory provisions.

In the case of fuel burning equipment with a rated capacity greater than 125 MW, used in an electric power plant, the emission standard is 45 grams of particles per gigajoule provided by the fuel.”.

**5.** The following is substituted for section 28:

“**28. Nitric oxide emissions:** Fuel burning equipment, established or put into operation after (*enter the date of coming into force of this Regulation*) or modified after that date, which uses fossil fuels or used oils, may not emit nitric oxides into the atmosphere beyond the standards prescribed in the following table:

Rated capacity (MW)	Fuel used	Emission standards (g/GJ provided by fuel)
>3 and ≤30	Gas	26
	Distillate	40
	Residual oil or used oils (nitrogen content ≤0.35%)	90
	Residual oil or used oils (nitrogen content >0.35%)	110
>30	Gas	40
	Distillate	50
	Residual oil or used oils (nitrogen content ≤0.35%)	90
	Residual oil or used oils (nitrogen content >0.35%)	125

When the burners of a fuel burning equipment are replaced, the nitric oxide emissions of the new burners must be less than or equal to those of combustion burners.

Fuel burning equipment, established or put into operation between 14 November 1979 and (*enter the date of coming into force of this Regulation*), or modified during that period, which uses fossil fuels or used oils, may not emit nitric oxides into the atmosphere beyond the standards prescribed in the following table:

Rated capacity (MW)	Fuel used	Emission standards (g/GJ provided by fuel)
>15 and ≤70	Gas	80
	distillate, residual oil or used oils	175
	coal or coke	260
>70	Gas	110
	distillate, residual oil or used oils	135
	coal or coke	290

**28.1 Use of other combustible materials for energy generation in fuel burning equipment:** The use for energy generation of residual hazardous materials, other than used oils, or the use of fuel derived from a mix of residual hazardous materials shall be subject to the following standards where they are used in fuel burning equipment:

(a) a rated capacity of at least 3 MW for the fuel burning equipment;

(b) the limits specified in sections 27 and 28 of this Regulation for particle and nitric oxide emissions;

(c) an emission limit of 100 mg/ m<sup>3</sup>R corrected at 7% oxygen for carbon monoxide, the average calculated over an hour;

(d) an emission limit of 50 g/ m<sup>3</sup>R corrected at 7% oxygen for mercury;

(e) a limit of 0.15% in total halogenated organic compounds in hazardous materials before they are burned;

(f) a destruction and removal efficiency equal to or greater than 99.9999% where the hazardous materials are halogenated toxic materials within the meaning of section 3 of the Regulation respecting hazardous materials and amending various regulatory provisions made by Order in Council 1310-97 dated 8 October 1997 or where they contain more than 50 mg/ kg of PCBs; and

(g) a destruction and removal efficiency equal to or greater than 99.99% for other organic compounds.

**28.2 Use of other combustible materials for energy generation in an industrial furnace:** The use for energy generation of residual hazardous materials, other than used oils, or the use of fuel derived from a mix of residual hazardous materials shall be subject to the following standards where they are used in an industrial furnace:

(a) a rated capacity of at least 3 MW for the industrial furnace;

(b) an emission limit of 70 mg/ m<sup>3</sup>R corrected at 7% oxygen for particles or the limit of the industrial furnace if it is lower than 70 mg/ m<sup>3</sup>R;

(c) an emission limit of 50 mg/ m<sup>3</sup>R corrected at 7% oxygen for hydrogen chloride;

(d) an emission limit of 50 g/ m<sup>3</sup>R corrected at 7% oxygen for mercury;

(e) an emission limit of 100 mg/ m<sup>3</sup>R corrected at 7% oxygen for carbon monoxide, the average calculated over an hour;

(f) a destruction and removal efficiency equal to or greater than 99.9999% where the hazardous materials are halogenated toxic materials within the meaning of section 3 of the Regulation respecting hazardous materials and amending various regulatory provisions or where they contain more than 50 mg/ kg of PCBs; and

(g) a destruction and removal efficiency equal to or greater than 99.99% for other organic compounds.

**28.3 Calculation methods:** When residual hazardous materials are used for energy generation in fuel burning equipment or in an industrial furnace, the quantity of emitted lead, mercury, cadmium, arsenic, chromium, beryllium, antimony, barium, silver, thallium shall be such that the limit set in Schedule D for those metals in the ambient air is complied with by using a dispersion model in compliance with the *Guide sur la modélisation de la dispersion atmosphérique* produced by the Ministère de l'Environnement.

The destruction and removal efficiency whose standards are provided for in sections 28.1 and 28.2 shall be calculated in accordance with the formula in section 68.4.

The concentrations prescribed in sections 28.1 and 28.2 are expressed on a dry basis and corrected at 7% oxygen according to the formula below:

$$E = E_a \times \frac{13.9}{20.9 - A}$$

“E” is the corrected concentration;

“E<sub>a</sub>” is the uncorrected concentration on a dry basis;

“A” is the % of O<sub>2</sub> on a dry basis in fuel gases at the sampling site.

**28.4 Measurements and registration:** The operator of fuel burning equipment of a rated capacity greater than 15 MW referred to in this Division and the operator of fuel burning equipment or of an industrial furnace referred to in section 28.1 or 28.2 shall measure and register continuously: the oxygen and carbon monoxide concentration in the gases emitted into the atmosphere by the said equipment. Where the equipment has a rated capacity greater than 15 MW, the operator shall also measure and record continuously nitric oxides, the opacity of the gases or the particle concentration. In the case of equipment supplied with a gaseous fuel, the opacity or the particle concentration does not have to be measured.

Fuel burning equipment put into operation before (*enter the date of coming into force of this Regulation*) shall comply with the requirements of the first paragraph, not later than (*enter the date corresponding to the second anniversary of the coming into force of this Regulation*).

Fuel burning equipment or an industrial furnace referred to in section 28.1 or 28.2 shall comply with the requirements of the first paragraph as soon as this Regulation comes into force.

For the purposes of measuring the opacity or particle concentration, a combination of fuel burning equipment is considered as one piece of equipment where the gases are emitted by one stack only.

The data obtained following the measurements and registration made under this section shall be kept for at least two years.

**28.5 Compliance sampling:** The operator of fuel burning equipment of a rated capacity equal to or greater than 3 MW shall, not later than six months after it is put into operation, take a sample at the source in order to check whether the emission standards prescribed in section 27 and the first and third paragraphs of section 28 are complied with. In the case of existing equipment, the deadline shall not be later than 12 months after (*enter the date of coming into force of this Regulation*). For fuel burning equipment of a rated capacity greater than 15 MW, samples shall be taken once every three years thereafter.

Where residual hazardous materials are used for energy generation in fuel burning equipment or in a furnace as specified in sections 28.1 and 28.2, the operator shall take a sample at the source within three months after it is put into operation, in order to check the destruction and removal efficiency for toxic matters and PCBs and compliance with the emission standards prescribed in sections 28.1 and 28.2. Samples shall be taken once a year thereafter.”

**6.** The following is substituted for section 29:

“**29. Sulphur content:** No person may burn a fossil fuel with a sulphur content higher than:

- (a) 2.0% in weight for residual oil;
- (b) 0.5% in weight for distillates;
- (c) 2.0% in weight for coal; and
- (d) 2.0% in weight for coke used in fuel burning equipment.

Notwithstanding subparagraphs *a*, *c* and *d* of the first paragraph, as of 1 January 2005, no one may, for combustion purposes, use in fuel burning equipment or a furnace, residual oil, coal or coke whose sulphur content exceeds 1.5% in weight and, as of 1 January 2010, 1% in weight.”.

**7.** The following is substituted for section 30:

“**30. Exception:** The sulphur limits prescribed in section 29 for residual oil, coal, and coke and the limits prescribed for residual hazardous materials in Schedules 5 and 6 to the Regulation respecting hazardous materials and amending various regulatory provisions do not apply where:

(a) a portion of the sulphur, which otherwise would be emitted in the form of sulphur dioxide in fuel gases, is recovered and combined to a raw material or a product coming in contact with these gases;

(b) a portion of the sulphur, which otherwise would be emitted in the form of sulphur dioxide in fuel gases, is recovered and treated by a gas cleaning equipment;

(c) another fossil fuel with a low sulphur content is used simultaneously in an oil refinery. In that case, sulphur dioxide emissions must never exceed those that would be obtained by burning a thermally equivalent quantity of a residual oil containing 1% of sulphur.

The person in charge of an establishment to which one of the exceptions prescribed in the first paragraph applies must keep a record book in which the origin, quantity, sulphur content and heating value of the residual oil, coal, coke or hazardous material used are entered; in the case provided for in subparagraph *c* of the first paragraph, that person must also enter in that record book, for each operation day or part thereof, the nature, quantity, sulphur content and heating value of each fossil fuel used. That data must be kept for at least two years.”.

**8.** The following is substituted for section 31:

“**31. Sulphur dioxide emissions:** Notwithstanding section 30, the quantity of sulphur dioxide emitted into the atmosphere by burning any fossil fuel or residual hazardous materials used for energy generation must not exceed that emitted by burning an equivalent quantity in heating value of residual oil whose sulphur content is equal to the standards prescribed in section 29 of this Regulation, or hazardous materials whose sulphur content is equal to the standards prescribed in Schedules 5 and 6 to the Regulation respecting hazardous materials and amending various regulatory provisions.”.



**9.** Section 31.1 is revoked.

**10.** The following is substituted for section 32:

**“32. Fuel gas venting:** The venting speed into the atmosphere of fuel gases from fuel burning equipment whose rated capacity is more than 3 MW and put into operation after (*enter the date of coming into force of this Regulation*) shall be at least 15 metres per second at the outlet of the stack when the equipment operates at rated capacity.

The venting speed into the atmosphere of fuel gases from fuel burning equipment whose rated capacity is greater than 3 MW shall be at least 15 metres per second at the outlet of the stack where the equipment operates at rated capacity and where the gases are emitted by a stack installed after (*enter the date of coming into force of this Regulation*).”.

**11.** The following is substituted for section 68.4:

**“68.4. Destruction and removal efficiency:** The destruction and removal efficiency of a hazardous materials incinerator must be equal to or higher than

(a) 99.9999% for toxic halogenated carbonic compounds within the meaning of the Regulation respecting hazardous materials and amending various regulatory provisions or for materials containing more than 50 mg/kg of PCBs;

(b) 99.99% for other organic compounds;

(c) 99.99% for compounds referred to in subparagraph a where the halogenated organic compound content is no more than 0.2% in weight when fired;

(d) 99.95% for other organic compounds for hazardous materials incinerators whose rated capacity is lower than one ton per hour.

Destruction and removal efficiency is calculated by the following equation:

$$E_d = \frac{Q_r - Q_s}{Q_i} \times 100$$

“ $E_d$ ” is the destruction and removal efficiency of the organic compounds in question;

“ $Q_i$ ” is the firing rate

(a) where a 99.9999% destruction and removal efficiency is applicable, “ $Q_i$ ” is the firing rate of each of the toxic halogenated organic compounds within the mean-

ing of the Regulation respecting hazardous materials and amending various regulatory provisions;

(b) where a 99.99% or 99.95% destruction and removal efficiency is applicable, “ $Q_i$ ” is the firing rate of the most thermally stable organic compound;

“ $Q_s$ ” is the rejection rate into the environment of the organic compounds referred to in “ $Q_i$ ” and present in the gases emitted into the atmosphere.”.

**12.** The following Schedule is added at the end:

**“SCHEDULE D**  
**LIMITS OF CONTAMINANTS IN AMBIENT AIR**  
(s. 28.3)

Contaminants	Maximum on hourly basis (g/m <sup>3</sup> )
Lead	0.06
Arsenic	0.0012
Cadmium	0.0036
Antimony	1.2
Barium	15
Mercury	1.8
Silver	0.15
Thallium	1.5
Beryllium	0.0024
Chromium	0.00048

”.

**13.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

5228

## Draft Regulation

Lobbying Transparency and Ethics Act  
(2002, c. 23)

### Registry of lobbyists

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting the registry of lobbyists, the text of which appears below, may be made by the

Government upon the expiry of 45 days following this publication.

The purpose of the draft Regulation is to set up a registry of lobbyists.

It specifies the rules concerning the registry, in particular with regard to its keeping, the contents of the returns and notices of change to be filed, the media and modes of transmission of such returns and notices of change and the information required for registration and consultation.

To date, study of the matter has shown the following impact on the public and businesses :

— it will require the registration in the registry of lobbyists of persons who lobby public office holders, which will make lobbying activities public ;

— it will ensure equal representation of the population's interests with respect to public authorities while guaranteeing the integrity and impartiality of public office holders.

Further information may be obtained by contacting Mtre. Lise Cadoret, at 1, rue Notre-Dame Est, 7<sup>e</sup> étage, Montréal (Québec) H2Y 1B6, by telephone: (514) 864-4931, or by fax: (514) 864-9774.

Any person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Justice, 1200, route de l'Église, 9<sup>e</sup> étage, Sainte-Foy (Québec) G1V 4M1.

PAUL BÉGIN,  
*Minister of Justice*

## Regulation respecting the registry of lobbyists

Lobbying Transparency and Ethics Act  
(2002, c. 23, s. 66)

### CHAPTER I REGISTRY OF LOBBYISTS

- 1.** The registry of lobbyists shall be computerized.
- 2.** The initial and renewal returns and the notices of change filed in the registry of lobbyists shall be numbered by the Lobbyists Registrar, as well as the decisions rendered by the Lobbyists Commissioner to whom a copy is transmitted.

Each document must bear a sequential number indicating the form of the document and the last two digits of the calendar year in which the document is filed.

**3.** On receiving any document Registrar shall indicate the exact date, hour and minute the document was submitted.

If a document arrives at the Registrar's office outside the filing hours determined by the Registrar, that document shall be deemed received at the time the activity resumes.

**4.** The registry shall be constituted of all the returns filed, as modified by the other documents filed in the registry under the Act.

The background of each return filed in the registry may be traced using a synoptic file listing all the documents filed with the return.

**5.** The Registrar must create a computerized copy of the registry and keep it in a safe place other than the Registrar's office.

### CHAPTER II RETURNS AND NOTICES

#### DIVISION I MEDIA AND MODES OF TRANSMISSION

**6.** The returns and notices of change filed in the registry of lobbyists may be in paper or electronic form.

Those returns and notices must be submitted on the appropriate form produced by the Registrar or made available on the Internet site set up by the Registrar for that purpose.

**7.** The form must include texts and key-words as well as the headings and spaces to be completed according to the instructions for the type of notice to be submitted. The various parts of the form may be set up differently for the form in its paper or electronic version.

**8.** The paper forms for submitting returns and notices of change must be 216 mm wide by 355 mm long, at least 75g/ m<sup>2</sup> per ream, and printed on one side only.

**9.** The returns and notices of change submitted in paper form must be typed or printed; good quality ink must be used and the lettering must be clear, sharp and legible, without deletions or alterations. They must bear the original signature of the person submitting the return or notice.

Those returns and notices may be submitted to the Registrar's office in person or by mail.

**10.** The computerized returns and notices of change must include the data that make up the form to be used and the instructions, and allow the display of the pages on screen. The data must be appended electronically or by reference.

**11.** The computerized returns and notices of change must be signed, using a digital signature process, by the person submitting the return or notice whose signature key pair is issued by a certification services supplier recognized by the Conseil du trésor.

The person submitting the return or notice must transmit the document electronically to the Registrar's office. The person's signature certificate must be appended to the transmitted data.

**12.** Data transmitted electronically to the Registrar's office shall be deemed received by the Registrar only if transmitted in full and if the Registrar succeeds in accessing and reading the data.

Where those conditions are met, the Registrar shall immediately transmit electronically an acknowledgement of receipt to the person having submitted the return or notice.

**13.** On receiving a computerized return or notice of change, the Registrar must ensure that the signature certificate and the digital signature of the person having submitted the return or notice are valid and the data transmitted is complete.

## DIVISION II CONTENTS

**14.** The initial returns shall contain the information referred to in section 9 or 10 of the Lobbying Transparency and Ethics Act (2002, c. 23) according to the lobbying activities involved. This also applies to registration renewal returns.

**15.** The notices of change must bear, in addition to the return registration number, the identification of the person submitting the notice, the subject of the change and, as the case may be, the identification of the client, the enterprise lobbyist or the organization lobbyist referred to in the change.

The subject of the change must be brought to the attention of the Registrar by changing the information in the appropriate headings and spaces.

**16.** The registration of an additional lobbyist by a senior officer of the enterprise or group may not be done by means of a notice of change but rather by filing a separate return.

**17.** Where the information contained in a return is subject to a confidentiality order issued by the Lobbyists Commissioner, that fact shall be mentioned in the form filed in the registry of lobbyists.

**18.** The person submitting a return or notice of change shall include, in addition to the attestation that the information contained is true :

(1) for a consultant lobbyist, a statement that the lobbyist's registration has not been struck off or is not prohibited; or

(2) for an enterprise lobbyist or an organization lobbyist, a statement that registration of the persons carrying out lobbying activities on behalf of the enterprise or group has not been struck off or prohibited.

**19.** The filing of a notice of change does not remove the obligation to file a renewal of registration for a lobbyist, where applicable.

## CHAPTER III DECISIONS OF THE LOBBYISTS COMMISSIONER

**20.** Any copy of a decision by the Lobbyists Commissioner transmitted to the Registrar must contain the information identifying the lobbyist referred to in the decision and indicate, where applicable, the registration number of the initial return or the renewal return for that lobbyist.

The copy may be submitted to the Registrar's office, in person or by mail. It may also be filed electronically in a signed transmission scrambled with key pairs issued by a certification services supplier recognized by the Conseil du trésor.

## CHAPTER IV REGISTRATION IN THE REGISTRY

**21.** Taking into account the medium used to submit the documents and the order in which they are submitted, the Registrar shall enter in the registry of lobbyists the registrations prescribed by the Act or this Regulation.

**22.** Any registration in the registry must indicate the date, hour and minute the document generating the registration was filed.

**23.** The registration of a return must include the information provided in the form.

The registration of a notice of change must update the contents of the initial or renewal return referred to in the notice.

**24.** Where the Registrar uncovers a clerical error in the registry, the Registrar shall correct it; in the case of an omitted registration, the Registrar shall proceed with the registration.

The Registrar shall indicate the date, hour and minute of the correction or registration.

#### CHAPTER V CONSULTATION OF THE REGISTRY

**25.** The registry of lobbyists may be consulted by accessing the Internet site set up for that purpose by the Registrar.

**26.** Researches in the registry may be effected using

- (1) the name of a lobbyist, enterprise or group, the name of a parliamentary, government or municipal institution or of a client of a consultant lobbyist;
- (2) a field related to lobbying activities; or
- (3) a registration number.

**27.** Except for the purposes referred to in this Regulation, the Registrar may not use the registry or any other document for purposes other than ensuring, in accordance with the Lobbying Transparency and Ethics Act, that the information registered or mentioned in the registry is public. The Registrar may not use the registry or any other document to supply lists to any person, in particular, lists of the lobbyists registered in the registry or their clients.

**28.** The Registrar must issue to any person requesting it a statement of registration or a record of the registrations under the name of a lobbyist. A statement or record issued by the Registrar is certified by the Registrar.

The Registrar must also issue to any person requesting it a copy or extract of the returns and notices of change filed in the registry, unless they are subject to a confidentiality order issued by the Lobbyists Commissioner.

#### CHAPTER VI FINAL

**29.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

5223

#### Draft Regulation

An Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1)

#### Lands in the public domain — Regularization of certain kinds of occupation — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting the regularization of certain kinds of occupation of lands in the public domain may be made by the Government upon the expiry of a 45-day period following this publication.

The purpose of the draft Regulation is to allow the regularization of unlawful occupancy on the lots transferred from the ministère de l'Agriculture, des Pêcheries et de l'Alimentation to the ministère des Ressources naturelles under certain terms and conditions.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to Bernadette Crombé, Director, Direction des politiques territoriales, ministère des Ressources naturelles, 5700, 4<sup>e</sup> Avenue Ouest, bureau C 308, Charlesbourg (Québec) G1H 6R1.

FRANÇOIS GENDRON,  
*Minister of Natural Resources*

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## Regulation to amend the Regulation respecting the regularization of certain kinds of occupation of lands in the public domain\*

An Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1, s. 71, 1st par., subpar. 3)

**1.** The title, section 1 and the definition of the word “occupant” in section 2 of the Regulation respecting the regularization of certain kinds of occupation of lands in the public domain are amended by substituting the words “domain of the State” for the words “public domain”.

**2.** The following is added after section 1 :

**“DIVISION II**  
CONDITIONS FOR ALIENATION OF CERTAIN  
LANDS”.

**3.** Sections 2 and 7 are amended by substituting the words “this Division” for the words “this Regulation”.

**4.** The following heading after section 2 is deleted :

**“DIVISION II**  
CONDITIONS FOR ALIENATION OF LAND”.

**5.** Section 14 is amended by substituting the words “this Division” for the words “this Regulation”.

**6.** The following is added after section 14 :

**“DIVISION III**  
CONDITIONS FOR LEASING CERTAIN LANDS

**14.1.** In this Division, “occupant” means a person who, on 31 May 1983, occupied land under the authority of the Minister of Agriculture, Fisheries and Food for vacation purposes or for rough shelter, or who became that person’s transferee after that date.

**14.2.** The Minister may lease land to an occupant who applies in writing and shows that the occupation of the land by the occupant and the occupant’s predecessors has been continuous from 31 May 1983 until the date of the application.

**14.3.** The rent, fees and conditions applicable to the lease are those provided for in the Regulation respecting the sale, lease and granting of immovable rights on lands

in the domain of the State made by Order in Council 231-89 dated 22 February 1989, except the conditions in the second paragraphs of sections 29 and 33 of that Regulation.

**14.4.** To benefit from this Division, an occupant must apply before (*insert here the date that is two years after the date of coming into force of this Regulation*) and is subject to the provisions of section 13, adapted as required.”.

**7.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

5221

## Draft Regulation

An Act to amend various legislation for the purposes of partition and assignment between spouses of benefits accrued under a pension plan (1990, c. 5)

### Sûreté du Québec

— Régime de retraite des membres  
— Partition and assignment of benefits  
— Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) that the Regulation respecting the partition and assignment of benefits accrued under the Régime de retraite des membres de la Sûreté du Québec, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of the draft Regulation is to replace Order in Council 756-91 dated 5 June 1991 respecting the same subject by describing explicitly and in detail the various rules applicable to the partition and assignment of benefits accrued under the Régime de retraite des membres de la Sûreté du Québec, while Order in Council 756-91 dated 5 June 1991 provided the applicable rules by referring to the Regulation respecting the partition and assignment of benefits accrued under the Government and Public Employees Retirement Plan, made by Order in Council 351-91 dated 20 March 1991.

The draft Regulation differs from Order in Council 756-91 dated 5 June 1991 in various way mainly :

(1) upon written confirmation from a certified mediator to the effect that he or she has obtained a mandate of family mediation, married spouses are entitled to a statement of the benefits accrued in the pension

\* The Regulation respecting the regularization of certain kinds of occupation of lands in the public domain was made by Order in Council 233-89 dated 22 February 1989 (1989, *G.O.* 2, 1488) and has not been amended since that date.

plan of the member or former member under the Régime de retraite des membres de la Sûreté du Québec prior to introducing an application for separation from bed and board, divorce, annulment of marriage or payment of a compensatory allowance;

(2) adjustments are provided for to take into account the notion of “service for eligibility purposes” and the new requirement of 35 credited years of service;

(3) the formula used to determine the value of the benefits accrued in the member’s pension plan, where they correspond to a retirement pension or a deferred retirement pension, has been amended to add the new pension indexing formula applicable to service served from 1 January 2000, which is the highest rate between:

(a) 50% of the rate of increase in the Pension Index determined under the Act respecting the Québec Pension Plan; or

(b) the amount by which the rate of increase in the Pension Index determined under the Act respecting the Québec Pension Plan exceeds 3%;

(4) the provisions respecting the reduction of benefits accrued under a pension plan have been amended so as to provide for the following:

(a) where the benefit to be assessed is the entitlement to a deferred pension and where the date on which the annual pension becomes payable occurs before the date on which the negative pension is presumed applicable according to the assessment of benefits, the negative pension related to the value transferred to the spouse shall be reduced by 0.50% per month, calculated for each month between the date on which it begins to apply and the date on which it is presumed applicable, without exceeding 65%;

(b) where the benefit to be assessed is the entitlement to a deferred pension and where the date on which the annual pension becomes payable occurs after the date on which the negative pension is presumed applicable according to the assessment of benefits, the negative pension shall be reduced by 0.50% per month, calculated for each month between the date on which it begins to apply and the date on which it is presumed applicable;

(c) where the benefit to be assessed is the entitlement to a pension, the negative pension related to the value transferred to the spouse shall be indexed in the same manner as the pension between the date of assessment and the date on which the negative pension begins to apply;

(5) adjustments are provided for in the draft Regulation to assess and reduce the pension credits to which the police officers of Ville de Ganiteau, who were transferred to the Sûreté du Québec on 1 January 1999, are entitled.

Although this draft Regulation replaces Order in Council 756-91 dated 5 July 1991, the latter remains applicable to applications for a statement of benefits received by the Commission administrative des régimes de retraite et d’assurances before the date of coming into force of this Regulation, following the introduction of an application for separation from bed and board, divorce, annulment of marriage or payment of a compensatory allowance, provided that there has been no discontinuance of suit.

To date, study of the matter has revealed no negative impact on businesses and the public.

Further information may be obtained by contacting Mre. Serge Birtz, Director of Legal and Normative Services, 475, rue Amable, 7<sup>e</sup> étage, Québec (Québec) G1R 5X3; tel. (418) 644-9910, fax: (418) 644-0265.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to Mr. Duc Vu, Chairman of the Commission administrative des régimes de retraite et d’assurances, at the above-mentioned address.

JOSEPH FACAL,  
*Minister of State for Administration  
and the Public Service,  
Minister responsible for the Administration and Public  
Service and Chair of the Conseil du trésor*

## **Regulation respecting the partition and assignment of benefits accrued under the Régime de retraite des membres de la Sûreté du Québec**

An Act to amend various legislation for the purposes of partition and assignment between spouses of benefits accrued under a pension plan  
(1990, c. 5, s. 52)

### **DIVISION I STATEMENT OF THE MEMBER’S OR FORMER MEMBER’S BENEFITS**

**1.** Any application to obtain a statement referred to in section 122.1 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) shall contain the following information and be accompanied with the following documents:

(1) the name, address, social insurance number and date of birth of the member or former member and of his or her spouse;

(2) a marriage certificate and, where applicable, the date on which the spouses resumed living together;

(3) a written confirmation from a certified mediator to the effect that he or she has obtained a mandate of family mediation or a copy of the application for separation from bed and board, divorce, annulment of marriage or payment of a compensatory allowance or, where applicable, a copy of the judgment ruling on such an application; and

(4) the information that must be provided by the employer in its annual report, in accordance with the provisions of the Régime de retraite des membres de la Sûreté du Québec, for the year during which the assessment is determined up to the date set for that assessment, as well as for the previous year; that information shall be certified by an authorized representative of the employer.

Any application made under this section is also valid for the other pension plans administered by the Commission administrative des régimes de retraite et d'assurances or for which the Commission is responsible for paying benefits.

**2.** Within 90 days following the date of receipt of a duly completed application, the Commission shall provide the member or former member and his or her spouse with a statement containing the following information:

(1) the date on which the member or former member became a member of the Régime de retraite des membres de la Sûreté du Québec and, where applicable, the date on which he or she ceased to be a member thereof;

(2) the benefits accrued to the member or former member, without taking into account any reduction resulting from a prior partition or assignment of benefits, from the time when he or she became a member of the plan to the date of assessment provided for in the second paragraph of section 122.2 of the Act respecting the Government and Public Employees Retirement Plan, as well as the value of those benefits;

(3) the benefits accrued for the period of the marriage as well as their value;

(4) where applicable, the value of the reduction of the accrued benefits as a result of any prior partition or assignment of benefits and that would be applicable at the date of this assessment; and

(5) the terms and conditions for payment of the sums awarded to the spouse in accordance with Division III.

The statement of benefits and values shall be established at the date of assessment on the basis of information known to the Commission, not later than the date of that statement.

## DIVISION II ESTABLISHMENT AND ASSESSMENT OF ACCRUED BENEFITS

### §1. *Establishment of benefits*

**3.** The benefits accrued under the Régime de retraite des membres de la Sûreté du Québec, including benefits accrued in the form of pension credit by members who took part in the Régime de retraite des employés de la Ville de Gatineau and who were integrated into the Sûreté du Québec on 1 January 1999, shall be established in accordance with the provisions of this plan, taking into account the following provisions:

(1) where the plan provides for the option between a refund of contributions and a deferred retirement pension and where that option has not been exercised at the date of assessment, the benefits accrued are those whose value is the higher between such a refund and a deferred retirement pension payable from age 60;

(2) where the plan provides that the member would be entitled to a deferred retirement pension if he or she ceased to hold employment while having at least 10 years of service for eligibility purposes and having reached age 45 but without having 20 years of service for eligibility purposes or having reached age 60, his or her benefits are deemed to correspond to a deferred retirement pension payable from age 60;

(3) where the plan provides that the member would be entitled to a retirement pension if he or she ceased to hold employment while having at least 20 years of service for eligibility purposes but without having reached age 60, his or her benefits are deemed to correspond to a deferred retirement pension payable at the age corresponding to the lower of:

(a) 60; or

(b) the number "N" obtained from the following formula:

$$H + (35 - I) = N, \text{ in which:}$$

"H" represents the number corresponding to the member's age at the date of assessment;

“I” represents the number of years of service credited to the member at the date of assessment, excluding years recognized as pension credit for members who took part in the Régime de retraite des membres de la Sûreté du Québec and who were integrated into the Sûreté du Québec on 1 January 1999.

The benefits accrued for the period of the marriage shall be established in accordance with the first paragraph on the basis of the years or parts of a year of service credited during that period, on the assumption that the member or former member acquired for that period benefits of the same type as those accrued to him from the beginning of membership to the date of assessment.

For the purposes of establishing and assessing the accrued benefits, those benefits shall correspond to the benefits acquired under the plan at the date of assessment on the basis of the years or parts of a year of service credited at that date. For those purposes, the member is deemed to have ceased to be covered by the plan at the date of assessment.

**4.** The years or parts of a year of service redeemed, other than those credited by sections 6 and 7, if any, shall be credited proportionately to the amounts paid in capital for their payment out of the total capital amount. Those years or parts of a year are deemed to be credited for the period of the marriage to the extent that they were paid during that period.

**5.** In the case of autoroute police officers, where the number of years or parts of a year of service credited to the Régime de retraite des membres de la Sûreté du Québec is less than the number of years or parts of a year of service recognized under the Civil Service Superannuation Plan or the Government and Public Employees Retirement Plan and where a fraction of the number of those years is comprised in the period of the marriage, the number of years or parts of a year of service credited and comprised in the period of the marriage is equal to the number “A” in the following formula:

$$B \times \frac{C}{D} = A, \text{ in which:}$$

“B” represents the number of years or parts of a year of service credited under the Régime de retraite des membres de la Sûreté du Québec with respect to years served as an autoroute police officer;

“C” represents the number of years or parts of a year of service recognized under the initial pension plan for the period of the marriage;

“D” represents the number of years or parts of a year of service recognized under the initial pension plan.

**6.** In the case of a former police officer who participates in the Régime de retraite des membres de la Sûreté du Québec following the abolition of the municipal police force who was employing the officer immediately before the date of his or her integration into the Sûreté du Québec, where the number of years of service or parts thereof credited to the Régime de retraite des membres de la Sûreté du Québec is less than the number of years of service or parts thereof recognized under the initial pension plan and where a fraction of the number of years is included in the period of the marriage, the number of years of service or parts thereof credited under the Régime de retraite des membres de la Sûreté du Québec and that are included in the period of the marriage shall be equal to the number “A” in the following formula:

$$B \times \frac{E}{F} = A, \text{ in which:}$$

“B” represents the number of years or parts of a year of service credited, using moneys directly taken from the initial pension plan, to the Régime de retraite des membres de la Sûreté du Québec with respect to years served as a municipal police officer in the abolished police force;

“E” represents the number of calendar days elapsed under the initial pension plan for the period of the marriage;

“F” represents the number of calendar days elapsed while participating in the initial pension plan.

For the purposes of this section, the initial pension plan is a supplemental pension plan with fixed contribution within the meaning of the Supplemental Pension Plans Act (R.S.Q., c. R-15.1), in which the former municipal police officer was participating immediately before the date of his or her integration into the Sûreté du Québec and from which the moneys are directly transferred into the Régime de retraite des membres de la Sûreté du Québec.

**7.** Where the number of years of service or parts thereof credited to the Régime de retraite des membres de la Sûreté du Québec in respect of a member of the Sûreté du Québec, in accordance with a transfer agreement approved by the Government in compliance with the Entente concernant la conclusions d’ententes de transfert dated 22 January 2002 between the Government and the Association des policiers provinciaux du Québec, is less than the number of years of service or



parts thereof recognized under the initial pension plan and where a fraction of the number of those years is comprised in the period of the marriage, the number of years or parts of a year of service credited in accordance with the agreement and comprised in the period of the marriage is equal to the number represented by the letter "A" in the following formula:

$$B \times \frac{C}{D} = A, \text{ in which:}$$

"B" represents the number of years or parts of a year of service credited under the Régime de retraite des membres de la Sûreté du Québec in accordance with the transfer agreement;

"C" represents the number of years or parts of a year of service recognized under the initial pension plan for the period of the marriage;

"D" represents the number of years or parts of a year of service recognized under the initial pension plan.

Notwithstanding the foregoing, if the number of years of service or parts thereof recognized under the initial pension plan for the period of the marriage is unknown by the Commission, the number of years of service or parts thereof credited in accordance with the transfer agreement and included in the period of the marriage shall be equal to the number represented by the letter "A" in the following formula:

$$B \times \frac{E}{F} = A, \text{ in which:}$$

"B" represents the number of years or parts of a year of service credited to the Régime de retraite des membres de la Sûreté du Québec in accordance with the transfer agreement;

"E" represents the number of calendar days elapsed under the initial pension plan for the period of the marriage;

"F" represents the number of calendar days elapsed while participating in the initial pension plan.

## §2. Assessment of benefits

**8.** Where the accrued benefits consist in a refund of contributions, the value of those benefits corresponds to the contributions paid with interest calculated in accordance with the Act respecting the Government and Public Employees Retirement Plan and accrued to the date of assessment, as though the refund was made at that date. The same applies in respect of the value of the benefits accrued for the period of the marriage.

**9.** The actuarial value of the benefits shall be established according to the following actuarial method and assumptions:

(1) actuarial method:

the actuarial method is the "distribution of benefits" method;

(2) actuarial assumptions:

those provided for in Annexe I of the Régime de retraite des membres de la Sûreté du Québec in respect of the mortality rate, the spouse's age, the rate of interest and the rate of increase in the Pension Plan Index within the meaning of the Act respecting the Québec Pension Plan (R.S.Q., c. R-9). The proportion of the members having a spouse on the date of assessment is 100%.

**10.** Where the accrued benefits correspond to a retirement pension, a deferred retirement pension or a pension credit, the value of those benefits is equal to amount "D" in the following formula:

$$d_1 + d_2 + d_3 + d_4 = D, \text{ in which:}$$

"d<sub>1</sub>" represents the actuarial value of the portion of any retirement pension that, from the date on which it is paid, is indexed in accordance with the rate of increase in the Pension Index within the meaning of the Act respecting the Québec Pension Plan;

"d<sub>2</sub>" represents the actuarial value of the portion of any retirement pension that, from the date on which it is paid, is indexed by the amount by which that rate exceeds 3%;

"d<sub>3</sub>" represents the actuarial value of the part of any retirement pension which, from the date it is paid, is indexed at the highest rate between:

(a) 50% of the rate of increase in the Pension Index determined under the Act respecting the Québec Pension Plan; or

(b) the amount by which the rate of increase in the Pension Index determined under the Act respecting the Québec Pension Plan exceeds 3%;

"d<sub>4</sub>" represents the actuarial value of each pension credit that, from the date on which it is paid, is indexed at 75 % of the rate of increase in the Pension Index determined under the Act respecting the Québec Pension Plan.

The value of the benefits accrued for the period of the marriage shall be established in accordance with the first paragraph.

**11.** Where the accrued benefits consist in a benefit that is being paid at the date of assessment or that would be if the former member had made an application to that effect or that would otherwise be paid at that date, the value of those benefits shall be obtained by calculating the actuarial value of such a benefit.

The value of the benefits accrued for the period of the marriage shall be established in accordance with the first paragraph.

### **DIVISION III** **PAYMENT OF THE SUMS AWARDED TO THE SPOUSE AS A RESULT OF THE PARTITION OR ASSIGNMENT OF BENEFITS**

**12.** In this Division, the expression “life income fund” has the meaning given to it by sections 18 to 19.2 of the Regulation respecting supplemental pension plans, approved by Order in Council 1158-90 dated 8 August 1990, as amended, and the expressions “locked-in retirement account” and “annuity contract” have the meanings given to them by sections 29 and 30, respectively, of that Regulation.

**13.** An application for payment of the sums awarded to the spouse shall be preceded by an application for assessment made in accordance with Division I and shall contain the name and address of the member or former member and of his or her spouse, their social insurance numbers and their dates of birth.

That application is also valid for all pension plans for which the Commission has provided a statement.

**14.** An application for payment of the sums awarded to the spouse shall be accompanied by the following documents:

(1) the judgment ruling on separation from bed and board, divorce, annulment of marriage or payment of a compensatory allowance;

(2) where applicable, any other judgment relating to the partition or assignment of the member’s or former member’s benefits;

(3) where applicable, the agreement entered into between the spouses regarding the terms for payment out of the benefits accrued under the Régime de retraite des membres de la Sûreté du Québec; and

(4) the certificate of non-appeal or, as the case may be, the divorce certificate.

**15.** Upon receipt of a duly completed application for payment, the Commission shall send the member or former member a statement showing the sums awarded to the spouse as well as the amount of the reduction calculated pursuant to Division IV. The Commission shall also send the spouse a statement showing the sums awarded to him or her. Those statements shall be accompanied with a statement of the administrative expenses established in accordance with the Regulation respecting the recovery of certain administrative expenses and of certain other expenses within the framework of the partition and assignment between spouses of benefits accrued under a pension plan, made by Order in Council 352-91 dated 20 March 1991, as amended.

The spouse shall, within 60 days following the date on which the statement addressed to him or her was mailed, provide the Commission with the name and address of the financial institution and with an identification of the annuity contract, locked-in retirement account or life income fund or, where applicable, the registered retirement savings plan or registered retirement income fund into which the sums awarded to him or her must be transferred.

Unless the spouse was paid otherwise, the Commission shall, within 120 days following the expiry of the period provided for in the second paragraph, transfer the sums awarded to the spouse into an annuity contract, locked-in retirement account or life income fund or, where applicable, into a registered retirement savings plan or registered retirement income fund with a financial institution chosen by the spouse, provided that the steps necessary for the transfer of those sums were taken beforehand.

Should the spouse fail to indicate his or her choice and to take the necessary steps within the prescribed period, the Commission shall transfer those sums into a locked-in retirement account or, where applicable, into a registered retirement savings plan in the spouse’s name with the financial institution with which the Commission reached an agreement to that effect.

Where the spouse proceeds by way of compulsory execution, the judgment authorizing a seizure by garnishment shall serve as an application for payment and this section applies.

**16.** The Commission shall transfer the sums awarded to the spouse into an annuity contract, locked-in retirement account or life income fund where those sums

come from an entitlement to a retirement pension, a deferred retirement pension or a pension credit.

Notwithstanding the foregoing, the Commission shall transfer those sums into a registered retirement savings plan or registered retirement income fund where those sums come from an entitlement to a refund of contributions or, upon application by the spouse, shall transfer those sums into an annuity contract, locked-in retirement account or life income fund.

Notwithstanding the first and second paragraphs, those sums shall be paid to the spouse's successors in case of the spouse's death.

**17.** The sums awarded to the spouse shall be apportioned among each of the values calculated pursuant to the first paragraph of section 10, proportionately to the value of those sums divided by the total value of the benefits accrued under the plan at the date of assessment.

**18.** Interest compounded annually and accrued from the date of assessment to the date of payment shall be added to the sums awarded to the spouse at the rate determined for each period under Schedule VI to the Act respecting the Government and Public Employees Retirement Plan.

#### **DIVISION IV** **REDUCTION OF ACCRUED BENEFITS**

**19.** If the amount paid to the spouse comes from an entitlement to a refund of contributions, to a deferred retirement pension or a pension credit, the member's or former member's benefits shall be established in accordance with the plan and shall be recalculated as follows :

(1) where the member or former member is entitled to a refund of contributions, to a payment of actuarial value or is entitled to transfer an amount under a transfer agreement approved by the Government, the amount of the refund, payment or transfer shall be reduced by the sums awarded to the spouse at the date of assessment with interest compounded annually at the rate determined for each period under Schedule VI to the Act respecting the Government and Public Employees Retirement Plan and accrued from the date of assessment to the date on which the refund, payment or transfer is made; or

(2) where the member or former member is entitled to a deferred retirement pension, to a retirement pension or to a pension credit, his or her pension or credit shall be reduced from the date on which it becomes payable or from the date of payment, as the case may be, by the

amount of pension or credit that would be obtained on the basis of the sums awarded to the spouse at the date of assessment.

**20.** If the amount paid to the spouse comes from an entitlement to a retirement pension, to a pension credit or to any benefit that would be otherwise be paid at the date of assessment, that pension or credit shall be reduced, from the date on which it becomes payable or from the date of payment, by the amount of pension or credit that would be obtained on the basis of the sums awarded to the spouse at the date of assessment.

**21.** Each part of any retirement pension corresponding to each of the indexing formulas applicable to it and each pension credit shall be respectively reduced by the amount of any pension corresponding to each of the indexing formulas applicable to it and by the amount of each pension credit that would be obtained on the basis of the sums awarded to the spouse at the date of assessment.

**22.** For the purposes of sections 19 and 21, the amount of pension or pension credit that would be obtained on the basis of the sums awarded to the spouse at the date of assessment shall be established at that date according to the actuarial method and assumptions provided for in section 9. That amount is presumed applicable on the same date as the date determined at the date of assessment for the deferred retirement pension or is presumed applicable on the date of the member's or former member's 60th birthday if the member was entitled, at the date of assessment, to a refund of contributions.

If the date on which the annual retirement pension becomes payable occurs before the date on which the amount of pension obtained pursuant to the first paragraph is presumed applicable or if the retirement pension is being paid on the date of payment and the latter date occurs before the date on which that amount of pension is presumed applicable, that amount of pension shall be reduced by 0.50% per month, calculated for each month between the date on which it begins to apply and the date on which it is presumed applicable, without exceeding 65%. The foregoing also applies to the amount of pension credit.

If the retired member retired before the date of payment and if that date occurs after the date on which the amount of pension obtained pursuant to the first paragraph is presumed applicable, that amount of pension shall be increased by 0.50% per month, calculated for each month between the date on which it is presumed applicable and the date on which it begins to apply if the retired member retired before the date on which that amount of pension is presumed to apply, or for each

month between the date on which the retired member retired and the date on which that amount of pension begins to apply, if the retired member retired on the date on which that amount of pension is presumed applicable or thereafter.

**23.** For the purposes of sections 20 and 21, the amount of pension or pension credit that would be obtained on the basis of the sums awarded to the spouse at the date of assessment shall be established at that date in accordance with the actuarial method and assumptions provided for in section 9. That amount of pension is presumed applicable on the date of assessment.

The amount of pension obtained pursuant to the first paragraph shall be indexed in the same manner as the annual retirement pension or in the same manner as though it were being paid at the date of assessment, from 1 January following that date to 1 January of the year during which that amount begins to apply. The foregoing also applies to the amount of pension credit.

The amount of pension obtained pursuant to the first and second paragraphs shall be increased by 0.50% per month, calculated for each month between the date of assessment and the date on which that amount of pension begins to apply, if the annual retirement pension was being paid on the date of assessment or would have been if the former member had made an application to that effect, or for each month between the date of retirement and the date on which that amount of pension begins to apply, if the retired member retired between the date of assessment and the date of payment. The foregoing also applies to the amount of pension credit.

**24.** Any refund of contributions to be made following a death shall be reduced by the sums awarded to the spouse with interest compounded annually at the rate determined for each period under Schedule VI to the Act respecting the Government and Public Employees Retirement Plan and accrued from the date of assessment to the date on which the refund is made, except for the period during which a retirement pension is paid.

## DIVISION V MISCELLANEOUS

**25.** This Regulation replaces Order in Council 756-91 dated 5 July 1991 respecting the partition and assignment of benefits accrued under the Régime de retraite pour les membres de la Sûreté du Québec, except the first paragraph of the operative part of that Order in Council. That Order in Council remains applicable to applications for a statement of benefits received by the Commission before the date of coming into force of this

Regulation, following the introduction of an application for separation from bed and board, divorce, annulment of marriage or payment of a compensatory allowance, provided that there has been no discontinuance of suit.

**26.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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## Draft Regulation

Lobbying Transparency and Ethics Act  
(2002, c. 23)

### Registry of lobbyists — Tariff of fees

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Tariff of fees respecting the registry of lobbyists, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of the draft Regulation is to establish the tariff of fees for filing an initial return, a renewal return or a notice of change in the registry of lobbyists. It also indicates the fees for the consultation of the registry and the issue, by the Registrar, of a statement of registration, a record of lobbyists' registrations and a copy or extract of a return or notice of change.

To date, study of the matter has shown no impact on the public and businesses. However, the draft Regulation will impose fees for submitting initial or renewal registrations or for requests for statements, records, copies or extracts of the registrations or documents filed.

Further information may be obtained by contacting Mtre. Lise Cadoret at 1, rue Notre-Dame Est, 7<sup>e</sup> étage, Montréal (Québec) H2Y 1B6, by telephone: (514) 864-4931, or by fax: (514) 864-9774.

Any person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Justice, 1200, route de l'Église, 9<sup>e</sup> étage, Sainte-Foy (Québec) G1V 4M1.

PAUL BÉGIN,  
*Minister of Justice*

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## **Tariff of fees respecting the registry of lobbyists**

Lobbying Transparency and Ethics Act  
(2002, c. 23, pars. 4 and 7)

**1.** A fee of \$ 150 is payable for the filing of an initial or renewal return in the registry of lobbyists.

However, a registration transmitted electronically is free of charge.

**2.** A notice of change is filed in the registry free of charge.

**3.** A fee of \$ 5 is payable for the issue of a statement of registration.

A fee of \$ 15 is payable for a record of registrations under a lobbyist's name.

**4.** A fee of \$ 15 is payable for each copy or extract of a return or notice of change issued by the Registrar.

**5.** The fees referred to in sections 3 and 4 shall be increased by \$ 5 where the statement, record, copy or extract is certified by the Registrar.

**6.** Consultation of the registry is free of charge.

**7.** The fees under this Regulation must be paid before the Registrar provides the required service.

**8.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.



## Municipal Affairs

Gouvernement du Québec

### **O.C. 887-2002**, 21 August 2002

An Act respecting municipal territorial organization  
(R.S.Q., c. O-9)

Authorization granted to the Minister of Municipal Affairs and Greater Montréal to require a joint application for the amalgamation of Ville de Saint-Pie and Paroisse de Saint-Pie

WHEREAS, under section 125.2 of the Act respecting municipal territorial organization (R.S.Q., c. O-9), the Minister of Municipal Affairs and Greater Montréal may, with the authorization of the Government, require local municipalities to file with the Minister a joint application for amalgamation within the time prescribed by the Minister;

WHEREAS it is expedient to authorize the Minister to require that Ville de Saint-Pie and Paroisse de Saint-Pie file a joint application for amalgamation;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Municipal Affairs and Greater Montréal:

THAT the Minister of Municipal Affairs and Greater Montréal be authorized to require Ville de Saint-Pie and Paroisse de Saint-Pie, in accordance with section 125.2 of the Act respecting municipal territorial organization, to file with the Minister a joint application for amalgamation.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

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Gouvernement du Québec

### **O.C. 888-2002**, 21 August 2002

An Act respecting municipal territorial organization  
(R.S.Q., c. O-9)

Corrections to Order in Council 1444-2001 dated 5 December 2001 respecting Municipalité de Yamaska

WHEREAS the Government amalgamated the territories of the villages of Yamaska and Yamaska-Est and Paroisse de Saint-Michel-d'Yamaska by Order in Council 1444-2001 dated 5 December 2001;

WHEREAS section 214.2 of the Act respecting municipal territorial organization (R.S.Q., c. O-9) allows the Government to correct an error in writing or to supply an obvious omission in an Order in Council made under that Act;

WHEREAS an obvious omission occurred in the Order in Council and it is expedient to correct it;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Municipal Affairs and Greater Montréal:

THAT Order in Council 1444-2001 dated 5 December 2001 respecting the Amalgamation of the villages of Yamaska and Yamaska-Est and Paroisse de Saint-Michel-d'Yamaska be amended by inserting the following after section 5:

“5.1. Any member of the council of a local municipality subject to the amalgamation whose term ends for the sole reason that the municipality ceased to exist on 19 December 2001 shall receive compensation equal to the remuneration to which the member would have been entitled from the former municipality that he or she represented until 1 November 2003.

Expenses relating to the remuneration of members who are not on the provisional council shall be charged to the new municipality and shall be paid during its first fiscal year.”.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

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Gouvernement du Québec

**O.C. 889-2002, 21 August 2002**

An Act respecting municipal territorial organization  
(R.S.Q., c. O-9)

Corrections to Order in Council 794-2002 dated 26 June 2002 respecting the Amalgamation of Ville de Portneuf and Paroisse de Notre-Dame-de-Portneuf

WHEREAS, by Order in Council 794-2002 dated 26 June 2002, the Government authorized the amalgamation of Ville de Portneuf and Paroisse de Notre-Dame-de-Portneuf;

WHEREAS errors in writing and an obvious omission occurred in Schedule B to the Order in Council;

WHEREAS, under section 214.2 of the Act respecting municipal territorial organization (R.S.Q., c. O-9), the Government may correct an error in writing or supply an obvious omission in an order made under that Act;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Municipal Affairs and Greater Montréal:

THAT the following corrections be made to Schedule B to Order in Council 794-2002 dated 26 June 2002:

— the description of Electoral District 1 is amended by substituting “(even civic numbers)” for “(uneven civic numbers)”;

— the description of Electoral District 2 is amended by substituting “on the west by Rue Provencher (uneven civic numbers)” for “on the east by Rue Provencher (even civic numbers)” and “on the east by Rue Notre-Dame” for “on the west by Rue Notre-Dame”;

— the description of Electoral District 3 is amended by substituting “(even civic numbers)” for “(uneven civic numbers)”;

— the description of Electoral District 6 is amended by substituting “Rang de la Chapelle, Rang de la Rivière Bélisle” for “Rang de la Chapelle, Rang Saint-Julien, Rang de la Rivière Bélisle” and “, Route Julien and Rue Saint-Jacques” for “and Route Julien”;

THAT this Order in Council come into force on the date of its publication in the *Gazette officielle du Québec*.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

Gouvernement du Québec

**O.C. 890-2002, 21 August 2002**

An Act respecting land use planning and development  
(R.S.Q., c. A-19.1)

Granting of jurisdiction to Municipalité régionale de comté de La Haute-Côte-Nord

WHEREAS Municipalité régionale de comté de La Haute-Côte-Nord was constituted on 1 January 1981 by letters patent issued under the Act respecting land use planning and development (R.S.Q., c. A-19.1);

WHEREAS Municipalité régionale de comté de La Haute-Côte-Nord was designated as a rural regional county municipality by Order in Council 858-2001 dated 4 July 2001;

WHEREAS, under article 678.0.8 of the Municipal Code of Québec (R.S.Q. c. C-27.1), enacted by section 49 of chapter 25 of the Statutes of 2001, the Government may, at the request of the council of a regional county municipality designated as a rural regional county municipality, grant certain jurisdictions including the elaboration of a cultural and heritage development policy;

WHEREAS, in respect of such jurisdiction, the order made under article 678.0.8 of the Code may establish the obligations which the local municipalities would be required to discharge for the purpose of implementing the policy adopted by the council of the regional county municipality or may allow the council of the regional county municipality to establish those obligations, in accordance with the second paragraph of that article;

WHEREAS the council of Municipalité régionale de comté de La Haute-Côte-Nord requested by Resolution 02-01-04, adopted on 15 January 2002, that it be granted jurisdiction with respect to the elaboration and implementation of a cultural and heritage development policy;

WHEREAS it is expedient to grant the request submitted by the council of Municipalité régionale de comté de La Haute-Côte-Nord;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Municipal Affairs and Greater Montréal:

THAT Municipalité régionale de comté de La Haute-Côte-Nord have jurisdiction with respect to the elaboration of a cultural and heritage development policy and that the council of that regional county municipality be



allowed to establish the obligations which the local municipalities situated in its territory would be subject to in order to implement the policy.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

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Gouvernement du Québec

### **O.C. 891-2002, 21 August 2002**

An Act respecting land use planning and development  
(R.S.Q., c. A-19.1)

Granting of jurisdiction to Municipalité régionale de comté du Haut-Saint-Laurent

WHEREAS Municipalité régionale de comté du Haut-Saint-Laurent was constituted on 1 January 1981 by letters patent issued under the Act respecting land use planning and development (R.S.Q., c. A-19.1);

WHEREAS Municipalité régionale de comté du Haut-Saint-Laurent was designated as a rural regional county municipality by Order in Council 858-2001 dated 4 July 2001;

WHEREAS, under article 678.0.8 of the Municipal Code of Québec (R.S.Q. c. C-27.1), enacted by section 49 of chapter 25 of the Statutes of 2001, the Government may, at the request of the council of a regional county municipality designated as a rural regional county municipality, grant certain jurisdictions including the elaboration of a cultural and heritage development policy;

WHEREAS in respect of such jurisdiction, the order made under section 678.0.8 of the Code may allow the establishment of the obligations which the local municipalities would be required to discharge for the purpose of implementing the policy adopted by the council of the regional county municipality or may allow the council of the regional county municipality to establish those obligations, in accordance with the second paragraph of that article;

WHEREAS the council of Municipalité régionale de comté du Haut-Saint-Laurent requested by resolution 3980-10-01, adopted on 10 October 2001, that it be granted jurisdiction over the elaboration and implementation of a cultural and heritage development policy;

WHEREAS it is expedient to grant the request submitted by the council of Municipalité régionale de comté du Haut-Saint-Laurent;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Municipal Affairs and Greater Montréal:

THAT Municipalité régionale de comté du Haut-Saint-Laurent have jurisdiction for the elaboration of a cultural and heritage development policy and that the council of that regional county municipality may establish the obligations which the local municipalities situated in its territory would be subject to in order to implement the policy.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

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## Transport

Gouvernement du Québec

### **O.C. 950-2002**, 21 August 2002

An Act respecting roads  
(R.S.Q., c. V-9)

Roads under the management of the Minister of Transport

WHEREAS, under section 2 of the Act respecting roads (R.S.Q., c. V-9), amended by section 1 of chapter 54 of the Statutes of 2001, the Government shall determine, by an order published in the *Gazette officielle du Québec*, the roads which shall be under the management of the Minister of Transport;

WHEREAS, under section 3 of the Act, the Government may, by an order published in the *Gazette officielle du Québec*, determine that a road which is under the management of the Minister shall, from the date indicated in the order, be managed by a municipality in accordance with subdivision 22.2 of Division XI of the Cities and Towns Act (R.S.Q., c. C-19) or, as the case may be, Chapter 0.1 of Title XIX of the Municipal Code of Québec (R.S.Q., c. C-27.1);

WHEREAS Orders in Council 292-93 dated 3 March 1993, 492-93 dated 31 March 1993, 1127-93 dated 11 August 1993, 1607-93 dated 17 November 1993, 1292-94 dated 17 August 1994, 73-95 dated 18 January 1995, 485-95 dated 5 April 1995, 325-96 dated 13 March 1996, 686-96 dated 5 June 1996, 1410-96 dated 13 November 1996, 723-97 dated 28 May 1997, 1538-97 dated 26 November 1997, 724-98 dated 27 May 1998, 1565-98 dated 16 December 1998, 938-99 and 939-99 dated 18 August 1999, 154-2000 dated 16 February 2000, 871-2000 dated 28 June 2000, 945-2000 dated 26 July 2000, 114-2001 dated 14 February 2001, 978-2001 dated 23 August 2001 and 529-2002 dated 1 May 2002 determined, by municipality, the roads under the management of the Minister of Transport;

WHEREAS it is expedient to amend the Schedule to those Orders in Council in order to correct the descriptions of certain roads, to add roads to those under the management of the Minister and to delete certain roads so as to transfer their management, under this Order in Council, to a municipality on whose territory they are located;

WHEREAS it is expedient to list the roads whose right-of-way undergoes a change in width and those that are geometrically redefined;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Transport and of the Minister for Transport and Maritime Policy:

THAT the Schedules to Orders in Council 292-93 dated 3 March 1993, 492-93 dated 31 March 1993, 1127-93 dated 11 August 1993, 1607-93 dated 17 November 1993, 1292-94 dated 17 August 1994, 73-95 dated 18 January 1995, 485-95 dated 5 April 1995, 325-96 dated 13 March 1996, 686-96 dated 5 June 1996, 1410-96 dated 13 November 1996, 723-97 dated 28 May 1997, 1538-97 dated 26 November 1997, 724-98 dated 27 May 1998, 1565-98 dated 16 December 1998, 938-99 and 939-99 dated 18 August 1999, 154-2000 dated 16 February 2000, 871-2000 dated 28 June 2000, 945-2000 dated 26 July 2000, 114-2001 dated 14 February 2001, 978-2001 dated 23 August 2001 and 529-2002 dated 1 May 2002 concerning roads under the management of the Minister of Transport be amended, with respect to the municipalities indicated, by adding and deleting certain roads listed in the Schedule to this Order in Council, by correcting the descriptions and widths of rights-of-way of the roads listed in that Schedule or by geometrically redefining them;

THAT this Order in Council take effect on the date of its publication in the *Gazette officielle du Québec*.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

### **SCHEDULE**

#### **ROADS UNDER THE MANAGEMENT OF THE MINISTER OF TRANSPORT**

#### **EXPLANATORY NOTE**

#### **A. CORRECTIONS TO DESCRIPTIONS, ADDITIONS, DELETIONS**

The roads identified in the “Corrections to descriptions”, “Additions” and “Deletions” divisions appearing in the Schedule to this Order in Council are described under the following five headings:

- (1) Route class;
- (2) Section identification;
- (3) Name;
- (4) Beginning of maintenance;
- (5) Length in km.

### **(1) Route class**

The designation of the route classes is taken from the functional classification established by the Ministère des Transports.

### **(2) Section identification**

Roads are identified by a sequence of figures composed of seven different groups:

Road:	Group 1:	road number;
	Group 2:	road segment number;
	Group 3:	road section number;
Sub-road:	Group 4:	the only figure other than zero that may appear in this group is 3, and it is used to identify one or more ramps;
	Group 5:	this group of figures indicates the sequential number of an intersection within a road segment;
	Group 6:	a letter identifying a ramp, if any;
	Group 7:	a letter identifying the type of roadway. (C: contiguous; S: separate).

### **(3) Name**

For roads whose number is lower than 1 000, the road number is indicated instead of the road name. For roads whose number is 10 000 or more, the road name is indicated instead of the road number.

Where there are one or more ramps along a road section, the total number of ramps for that section is also indicated; the combined length of all the ramps is indicated under "Length in kilometres".

### **(4) Beginning of maintenance**

The description of a physical landmark used to situate the beginning of a road section is indicated.

### **(5) Length in kilometres**

The length in kilometres is indicated for each road or part of a road. That length, which is determined by the Minister of Transport, corresponds to the actual distance that a vehicle would travel between two points without taking into account the configuration of the road (number of lanes, extra width, etc.). Thus, the length is the same whether the road is an autoroute or a feeder road.

## **B. CHANGES IN WIDTH OF RIGHT-OF-WAY**

The roads identified in the "Changes in width of right-of-way" division appearing in the Schedule to this Order in Council are described for each municipality in which they are located under the following six headings:

### **(1) Section identification**

From now on, the roads are identified by a sequence of figures composed of three different groups:

Route:	Group 1:	road number;
	Group 2:	road segment number;
	Group 3:	road section number;

### **(2) Name**

### **(3) Name of land surveyor**

### **(4) Minute number**

### **(5) Plan number**

### **(6) Length in km**

## **C. GEOMETRIC REDEFINITIONS**

The roads identified in the "Geometric redefinitions" division appearing in the Schedule to this Order in Council are described by using the five headings of the above "A" division and the plan number, the name of the land surveyor and his minute number.

Note: Due to technical constraints, the place names appearing in the Schedule do not necessarily comply with the standards of the Commission de toponymie.

## CORRECTIONS TO DESCRIPTIONS :

## LAC-FRONTIÈRE, M (1801000)

Route class	Section identification	Name	Beginning of maintenance	Length in km
Regional	00283-01-020-0-00-6	Route 283	Limit Sainte-Lucie-de-Beaugard sd	5.05
	00283-01-030-0-00-4	Route 283	Intersection Route de la Douane	9.31

## is replaced by

Regional	00204-02-131-000-C	Route 204	Intersection Route du Cimetière	5.05
	00204-02-121-000-C	Route 204	Limit Saint-Just-de-Bretenières, m	9.31

## MAGOG, V (4507500)

Route class	Section identification	Name	Beginning of maintenance	Length in km
Regional	00141-01-280-0-00-1	Route 141	Limit Orford, ct	1.44
		1 ramp		0.06

## is replaced by

Regional	00141-01-275-000-C	Route 141 1 ramp	Limit Orford, ct	1.28 0.08
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## RIMOUSKI, V (1004300)

Route class	Section identification	Name	Beginning of maintenance	Length in km
Regional	00232-02-140-0-00-6	Route 232	Limit Saint-Odile-sur-Rimouski p	3.93

## is replaced by

Regional	00232-02-141-000-C 00232-02-145-000-C	Route 232	Former Limit Saint-Odile-sur-Rimouski, p	1.17
		Route 232		North-end nose of Boulevard Arthur-Buies
		1 ramp		0.52

## SAINT-FABIEN-DE-PANET, P (1801500)

Route class	Section identification	Name	Beginning of maintenance	Length in km
Feeder	00204-02-130-0-00-7	Route 204	Intersection Route 283	7.97

## is replaced by

Feeder	89958-01-010-000-C	Old Route 204	Intersection Route 283	7.97
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## SAINT-JUST-DE-BRETENIÈRES, M (1800500)

Route class	Section identification	Name	Beginning of maintenance	Length in km
Regional	00283-01-040-0-00-2	Route 283	Limit Lac-Frontière, m	2.63
<b>is replaced by</b>				
Regional	00204-02-111-000-C	Route 204	Intersection Route 283	2.63

## SAINTE-LUCIE-DE-BEAUREGARD, M (1802000)

Route class	Section identification	Name	Beginning of maintenance	Length in km
Feeder Regional	00204-02-140-0-00-5	Route 204	Limit Saint-Fabien p	6.64
	00283-01-010-0-00-8	Route 283	Intersection Route 204	1.61
<b>is replaced by</b>				
Feeder Regional	89958-01-020-000-C	Old Route 204	Limit Saint-Fabien, p	6.64
	00204-02-131-000-C	Route 204	Limit Lac-Frontière, m	1.61

## ADDITIONS :

## BOISBUISSON, NO (0490210)

Route class	Section identification	Name	Beginning of maintenance	Length in km
Access to resources	98530-01-010-000-C	Route de Mont-Saint-Pierre	Beginning of the bridge over Rivière Madeleine Nord	9.11

## MONT SAINT-PIERRE, VL (0401500)

Route class	Section identification	Name	Beginning of maintenance	Length in km
Access to resources	98530-01-030-000-C	Route Pierre-Godefroi-Coulombe	Limit Rivière-à -Claude, m	6.78

## RIMOUSKI, V (1004300)

Route class	Section identification	Name	Beginning of maintenance	Length in km
National	94980-01-000-000-C	Montée Industrielle-et-Commerciale	Intersection Chemin du Sommet Est	3.74

## RIVIÈRE-À-CLAUDE, M (0402000)

Route class	Section identification	Name	Beginning of maintenance	Length in km
Access to resources	98530-01-020-000-C	Route de Mont-Saint-Pierre	Limit Boisbuisson, no	9.82

## SAINT-ZACHARIE, M (280050)

Route class	Section identification	Name	Beginning of maintenance	Length in km
Access to resources	88350-01-005-000-C	Route de la Frontière, 2 <sup>e</sup> Rang, Route Centrale	Border of the United States	5.66

## DELETIONS :

## RIMOUSKI, V (1004300)

Route class	Section identification	Name	Beginning of maintenance	Length in km
Regional	00232-02-145-000-C	Route 232 1 ramp	North-end nose of Boulevard Arthur-Buies	2.76 0.52

## SAINT-GABRIEL, V (5208000)

Route class	Section identification	Name	Beginning of maintenance	Length in km
Regional	00348-02-040-0-00-1	Route 348	Limit Saint-Gabriel-de-Brandon, p	0.13

## GEOMETRIC REDEFINITIONS :

## SAYABEC, M (0708500)

Route class	Section identification	Name	Beginning of maintenance	Length in km
Feeder	95730-02-000-0-00-4	Route Rioux	Limit Saint-Cléophas p	4.51

## is replaced by

Feeder	95730-01-030-000-C	Route Rioux	Limit Saint-Cléophas,p	4.36
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According to plan 622-87-AO-166 prepared by Gilles Gagné, l.s., minutes nos. 001, 138, 321, 365, 375 and 408

## SAINT-CASIMIR, M (3407800)

Route class	Section identification	Name	Beginning of maintenance	Length in km
Regional	00354-01-051-0-00-7	Route 354	Intersection Route 363 Nord	3.58

## is replaced by

Regional	00354-01-052-000-C	Route 354	Intersection Route 363 Nord	3.68
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According to plan 622-99-CO-035 prepared by Pierre Bernier, l.s., minutes nos. 1479 and 1504

## SAINT-DENIS-DE-BROMPTON, P (4202500)

Route class	Section identification	Name	Beginning of maintenance	Length in km
Regional	00222-01-110-0-00-5	Route 222	Limit Brompton Gore sd	1.12
Regional	00222-01-120-0-00-3	Route 222	Intersection Route 249 Nord	3.62
Regional	00249-01-060-0-00-8	Route 249	Intersection Route 222 Ouest	3.26

is replaced by

Regional	00222-01-115-000-C	Route 222	Former Limit Brompton Gore	1.37
Regional	00222-01-125-000-C	Route 222	Intersection Route 249 Nord	3.38
Regional	00249-01-065-000-8	Route 249	Intersection Routes 222 and 249 Nord	3.26

According to plan 622-96-FO-032 prepared by Luc Bouthillier, l.s., minute no. 560

## SAINT-ÉLIE D'ORFORD, M (4304000)

Route class	Section identification	Name	Beginning of maintenance	Length in km
Feeder	00220-01-050-0-00-1	Route 220	Limit Orford ct	5.15
Feeder	00220-01-061-0-00-8	Route 220	Intersection Route 249	7.24
Feeder	00249-01-020-0-00-7	Route 249	Limit Deauville vl	4.36
Feeder	00249-01-030-0-00-3	Route 249	Intersection Route 220	2.10

is replaced by

## SHERBROOKE, V (4302700)

Feeder	00220-01-053-000-C	Route 220	Limit Orford, ct	5.14
Feeder	00220-01-055-000-C	Route 220	Intersection Route 249	7.28
Feeder	00249-01-023-000-C	Route 249	Former Limit Deauville	4.37
Feeder	00249-01-033-000-C	Route 249	Intersection Route 220	2.13

According to plan 622-95-FO-004 prepared by Luc Bouthillier, l.s., minute no. 696

## SAINT-GABRIEL-DE-BRANDON, P (5208500)

Route class	Section identification	Name	Beginning of maintenance	Length in km
Regional	00348-02-030-0-00-3	Route 348	Limit Saint-Cléophas, p	8.04

is replaced by

Regional	00348-02-031-000-C	Route 348	Limit Saint-Cléophas-de-Brandon, m	7.93
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According to plan 622-86-JO 170 prepared by Jacques Gosselin, l.s., minute no. 1072

## SAINTE-JEANNE-DE-PONT-ROUGE, M (3402000)

Route class	Section identification	Name	Beginning of maintenance	Length in km
Regional	00365-01-020-0-00-1	Route 365	Bridge over Rivière aux Pommes	0.85



## PONT-ROUGE, V (3401700)

Regional	00365-01-030-0-00-9	Route 365	Limit Sainte-Jeanne-de-Pont-Rouge, p	1.52
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**is replaced by**

## PONT-ROUGE, VL (3401700)

Regional	00365-01-021-000-C	Route 365	Bridge over Rivière aux Pommes	2.37
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According to plan 622-93-CO-156 prepared by Mario Morin l.s., minute no. 752

## CHANGES IN WIDTH OF RIGHT-OF-WAY :

## BERTHIER-SUR-MER, P 0(1806500)

Route class	Section identification	Name	Beginning of maintenance	Length in km
National	00132-09-090-0-00-3	Route 132	Intersection Route Saint-François	5.63

**is replaced by**

National	00132-09-090-000-C	Route 132	Intersection Route Saint-François	5.63
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According to plan XX80-3473-0141 prepared by Lucien Marquis, l.s., minute no. 759

## SAINT-CAMILLE-DE-LELLIS, P (2807000)

Route class	Section identification	Name	Beginning of maintenance	Length in km
Regional	00204-02-080-0-00-7	Route 204	Intersection Route 281	4.73

**is replaced by**

Regional	00204-02-080-000-C	Route 204	Intersection Route 281	4.73
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According to plan 622-95-DO-060 prepared by Lucien Marquis, l.s., minute no.757



## Notices

### Notice

An Act respecting nature reserves on private land  
(R.S.Q., c. R-26.2)

#### Île-Beaugard Nature Reserve — Recognition

Notice is hereby given, in keeping with article 5 of the Act respecting nature reserves on private land, that the Minister of the Environment has recognized as a nature reserve a private property, situated in the territory of the Municipality of Verchères, Regional County Municipality of Lajemmerais, known and designated as lots 800 to 807 of the Verchères parish land register, Verchères registry division. This property, which extends over 49.6 hectares, is more fully described in the plan and property description prepared and signed by Vital Roy, land surveyor, on December 14, 2001, in his field note 11 719.

This recognition takes effect on the date of the publication of this notice in the *Gazette officielle du Québec*.

ROBERT LEMIEUX,  
*Assistant Deputy Minister for the  
industrial environment, climate change  
and sustainable development*

5220

### Notice

An Act respecting nature reserves on private land  
(R.S.Q., c. R-26.2)

#### Marais-du-Nord Nature Reserve — Recognition

Notice is hereby given, in keeping with article 5 of the Act respecting nature reserves on private land, that the Minister of the Environment has recognized as a nature reserve a private property, situated in the territory of the Municipality of Ville de Québec (formerly the Municipality of Lac-Saint-Charles), in the Metropolitan Community of Québec, known and designated as lots 1 025 869, 1 025 878, 1 025 979, 1 025 980 and 1 025 981 of the Québec land register, Québec registry division. This property, which extends over 20.39 hectares, is more fully described in the plan and property description prepared and signed by Claude Vincent, land surveyor, on March 26, 2002, in his field note 3 903.

This recognition takes effect on the date of the publication of this notice in the *Gazette officielle du Québec*.

ROBERT LEMIEUX,  
*Assistant Deputy Minister for the  
industrial environment, climate change  
and sustainable development*

5218

### Notice

An Act respecting nature reserves on private land  
(R.S.Q., c. R-26.2)

#### Marais-Trépanier Nature Reserve — Recognition

Notice is hereby given, in keeping with article 5 of the Act respecting nature reserves on private land, that the Minister of the Environment has recognized as a nature reserve a private property, situated in the territory of the Municipality of Ville de Gatineau (formerly the Municipality of Masson-Angers), in the Urban Community of Outaouais, known and designated as lot portions 2, 3A, 4A, 4B, 4C, 5A, 5C, 5D, 6A, 6B and 6D of Range I and lot portions 2A, 2B, 3A, 3B, 3E, 4A, 4B, 5A and 5B of Range II of the Buckingham township land register, Papineau registry division. This property, which extends over 246.7 hectares, is more fully described in the plan and property description prepared and signed by Denis Vaillancourt, land surveyor, on July 22, 2002, in his field note 8 359.

This recognition takes effect on the date of the publication of this notice in the *Gazette officielle du Québec*.

ROBERT LEMIEUX,  
*Assistant Deputy Minister for the  
industrial environment, climate change  
and sustainable development*

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Abbreviations : **A**: Abrogated, **N**: New, **M**: Modified

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(R.S.Q., c. C-26; 2001, c. 78)		
Professional Code — Physiothérapeutes — Integration of Physical Rehabilitation Therapists .....	4568	N
(R.S.Q., c. C-26)		
Professional Code — Professional Orders — Diplomas issued by designated teaching establishments which gives access to permits or specialist's certificates .....	4577	M
(R.S.Q., c. C-26)		
Professional Orders — Diplomas issued by designated teaching establishments which gives access to permits or specialist's certificates .....	4577	M
(Professional Code, R.S.Q., c. C-26)		
Public Buildings Safety Act — Amusement Rides .....	4653	M
(R.S.Q., c. S-3)		
Pulp and paper mills .....	4678	Draft
(Environment Quality Act, R.S.Q., c. Q-2)		
Quality of the atmosphere .....	4679	Draft
(Environment Quality Act, R.S.Q., c. Q-2)		
Régie des alcools, des courses et des jeux — Rules of procedure .....	4630	N
(An Act respecting the Régie des alcools, des courses et des jeux (R.S.Q., c. R-16.1)		
Régie des alcools, des courses et des jeux, An Act respecting the...— Régie des alcools, des courses et des jeux — Rules of procedure .....	4630	N
(R.S.Q., c. R-16.1)		
Registry of lobbyists .....	4683	Draft
(Lobbying Transparency and Ethics Act, 2002, c. 23)		



Regularization of certain kinds of occupation of lands in the public domain . . . . . (An Act respecting lands in the domain of the State, R.S.Q., c. T-8.1)	4686	M
Roads under the management of the Minister of Transport . . . . . (An Act respecting roads, R.S.Q., c. V-9)	4701	N
Roads, An Act respecting...— Roads under the management of the Minister of Transport . . . . . (R.S.Q., c. V-9)	4701	N
Rules of procedure relating to the conduct of public hearings . . . . . (Environment Quality Act, R.S.Q., c. Q-2)	4546	M
Safety Code . . . . . (Building Act, R.S.Q., c. B-1.1)	4654	N
Supplemental pension plans — Arbitration relating to the surplus assets . . . . . (Supplemental Pension Plans Act, R.S.Q., c. R-15.1)	4633	M
Supplemental Pension Plans Act — Hydro-Quebec — Pension plan — Approval By-law No. 699 . . . . . (R.S.Q., c. R-15.1)	4579	N
Supplemental Pension Plans Act — Supplemental pension plans — Arbitration relating to the surplus assets . . . . . (R.S.Q., c. R-15.1)	4633	M
Sûreté du Québec — Partition and assignment of benefits accrued under the Régime de retraite des membres . . . . . (An Act to amend various legislation for the purposes of partition and assignment between spouses of benefits accrued under a pension plan (1990, c. 5)	4687	Draft
Tariff of Court Costs in Civil Matters and Court Office Fees . . . . . (Civil Code of Québec, 1991, c. 64)	4551	M
Tariff of Court Costs in Civil Matters and Court Office Fees . . . . . (Code of Civil Procedure, R.S.Q., c. C-25)	4551	M
Tariff of Court Costs in Civil Matters and Court Office Fees . . . . . (Courts of Justice Act, R.S.Q., c. T-16)	4551	M
Tariff of fees respecting the registry of lobbyists . . . . . (Lobbying Transparency and Ethics Act, 2002, c. 23)	4694	Draft
Trapping activities and fur trade . . . . . (An Act respecting the conservation and development of wildlife, R.S.Q., c. C-61.1)	4664	M
Various legislation for the purposes of partition and assignment between spouses of benefits accrued under a pension plan, An Act to amend... — Sûreté du Québec — Partition and assignment of benefits accrued under the Régime de retraite des membres . . . . . (1990, c. 5)	4687	Draft
Waste water disposal systems for isolated dwellings . . . . . (Environment Quality Act, R.S.Q., c. Q-2)	4545	M

